

00136

1 SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL  
2 PUBLIC MEETING  
3 Regal Alaskan Hotel  
4 Anchorage, Alaska  
5 February 7, 1997, 8:00 a.m.  
6 VOLUME II

7 Members Present:  
8 Roy S. Ewan, Chairman  
9 Ralph Lohse, Vice Chairman  
10 Fred John, Jr., Secretary  
11 Gilbert Dementi  
12 Benjamin E. Romig  
13 Gary V. Oskolkoff  
14 Helga Eakon, Coordinator

## P R O C E E D I N G S

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MR. LOHSE: It's February 7th, 1997 and I'd like to call the meeting of the Southcentral Alaska Subsistence Regional Advisory Council back to order. Helga, could you take roll and establish a quorum.

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MS. EAKON: Fred John, Jr?

MR. JOHN: Here.

MS. EAKON: Gary Oskolkoff?

MR. OSKOLKOFF: Here.

MS. EAKON: Ralph Lohse?

MR. LOHSE: Here.

MS. EAKON: Roy Ewan? Ben Romig?

MR. ROMIG: Here.

MS. EAKON: Gilbert Dementi?

MR. DEMENTI: Here.

MS. EAKON: Donald Kompkoff? A quorum is established.

MR. LOHSE: Thank you, Helga. Roy Ewan won't be back for a little while and he asked me to sit in his chair in the meantime, so we'll get right down to business where we quit yesterday. And I believe if I remember right we were just taking up Proposal 26 or just to Proposal 26.

MS. MASON: That's correct, Mr. Chairman. Proposal 26, you'll be happy to know is the last of the very complex proposals and this one only incorporates four subparts, so we'll hope to deal with that in a most effecatiuous way possible.

Proposal 26 is a combination of backlog and new customary and traditional proposals. And between the -- among the four subparts it requests a positive c&t for moose in Units 11, 12, 13 and 20(D) for residents of Units 11, 12, 13 and 20(D). The current customary and traditional regulations for moose in Units 11, 12 and 13 and particularly in Unit 12 are pretty complex. Unit 12 is divided into three areas with three different c&t's and I'm not going to go into all the details of it unless you would like to have me describe what all the

00138

1 current c&t's are. My main point to make with the current c&t  
2 regulations is that the proposed -- the recommendation would  
3 simplify it considerably and make a single c&t determination  
4 for all of Unit 12. That's for the Council's consideration.

5  
6 What I'll do is tell you what each of the proposals  
7 request, the subproposals and what they would do and what our  
8 proposed way of dealing with all four of them is. And we have  
9 a summary chart on the board that tells the existing c&t and  
10 what the analysis would propose -- would recommend. And we  
11 were able to get it all on to one sheet this time, but  
12 unfortunately it goes all the way up to the ceiling, but I  
13 think this is the best we can do with it.

14  
15 Proposal 26A is a request to revise the c&t  
16 determination for moose in Units 11, 12 and 13. And our  
17 recommendation was to reject that request. The justification  
18 for that is that there's not sufficient information to make a  
19 recommendation for such a sweeping change in those three major  
20 units. And instead to observe that the intent of the proposal  
21 seems to be to expand subsistence moose hunting opportunities  
22 for the residents of Units 11 and 12. The only community in  
23 Unit 11 for which we have harvest data is McCarthy Road and  
24 that's a very small community whose recorded harvest of moose  
25 have been almost entirely limited to Unit 11.

26  
27 Also along with this proposal, I'd like to direct your  
28 attention to some use area maps that are located, starting on  
29 Page 173 and the one for McCarthy Road is -- it's Mat number 8,  
30 so it's almost the last one. But this shows that McCarthy use  
31 area maps between 1964 and '84 was entirely -- almost entirely  
32 within Unit 11. There is a very small amount of moose harvest  
33 in Unit 13(D), but that doesn't seem to warrant the revision of  
34 the c&t determinations for the entirety of Unit 13. And we  
35 will talk about the expansion of c&t eligibility for moose for  
36 residents of Unit 12 in looking at Proposals 26B, C and D.

37  
38 Proposals 26B requests a positive c&t determination for  
39 the residents of Tok, for moose in Units 11, 12 and 13. And  
40 our original conclusion was to adopt this one with  
41 modification. But upon examination of proposals 26B, C and D,  
42 come to a new idea which you may or may not think is the best  
43 way to deal with this. But what I'd like to suggest is that  
44 you reject 26B and adopt 26C with modification; because the  
45 request for Tok in Units 11, 12 and 13, that is subsumed under  
46 the request that is in Proposal 26C. And the same is true of  
47 26D, my original conclusion was that this should be adopted  
48 with modification. But I think that a more rational way to  
49 handle it would be to reject that one because its request is  
50 also subsumed in the request of 26C.

00139

1           So with that in mind, I'll just let you know what each  
2 of the proposals are and then the conclusion and suggested  
3 modification for 26C along with the justification.  
4

5           Proposal 26B again, was a positive c&t for residents of  
6 Tok for moose in Units 11, 12 and 13. Proposal 26C is for all  
7 residents of Unit 12 not along Nabesna Road. Residents of Unit  
8 20(D), east of the Johnson River and residents of Healy Lake be  
9 added to the Unit 11 determinations and that communities in  
10 Unit 12, 20(D) east of the Johnson River and Healy Lake be  
11 added to the Unit 13 determinations. And that Healy Lake and  
12 Unit 12 communities be added to the Unit 20(D) determinations.  
13 To continue with what 26D requests, that one is simply adding  
14 that residents of Dot Lake in Unit 12 be added to the present  
15 customary and traditional determinations for Units 11 and  
16 13(A), 13(B), 13(C) and 13(D).  
17

18           But my suggestion is to adopt 26C with modification and  
19 to reject 26B and 26D and the net result of that action would  
20 be a positive determination for the residents of Units 12 and  
21 20(D) east of the Johnson River and that would be for the  
22 portion of Unit 11 north of the Sanford River and this is the  
23 area that we discussed yesterday, which I have a map here that  
24 shows what portion of Unit 11, if you could pass that to the  
25 Council members. It would also be for Units 12, 13(C) and  
26 20(D). So to repeat, the net result would be that there was a  
27 positive c&t for residents of Units 12 and 20(D) east of the  
28 Johnson River. For the northern portion of Unit 11, Unit 12,  
29 13(C) and 20(D). The chart that's shown on the overhead shows  
30 which communities would have a positive c&t if the suggestion  
31 modification is followed. There is a further complication and  
32 that is similarly to one of the proposals that we discussed  
33 yesterday, 20 -- the way that Proposal 26D is worded and the  
34 way it shows up in the proposal book, that would erase all the  
35 existing c&t and add only the communities that are proposed.  
36

37           My understanding of the intent of the proposer was that  
38 it was to add communities to the existing c&t, rather than  
39 revoke c&t for the existing ones. So the chart on the board  
40 reflects the way that it shows in the proposal book, whereas, I  
41 believe that the Council, by the wording of the recommendation  
42 could make it clear that this was adding communities to the  
43 existing c&t's rather than revoking c&t for the ones that were  
44 already there. So that's only in reference to Proposal 26D.  
45

46           The justification for the proposed modification and the  
47 net result that I described to you is based on the analysis of  
48 the use areas and harvest patterns for the communities that are  
49 in question here. And I suggest again that I refer to the use  
50 area maps that are here that -- for example, in reference to

00140

1 Tok's moose hunting areas, and this is Map 5, it's clear that  
2 there has been a consistent pattern of harvest in a broad area  
3 for residents of this community. And Tok hunters have an  
4 established record of moose hunting in the broadest area of any  
5 of the communities that we have looked at. They have hunted in  
6 Units 11, 12 and 13(C), with some very minimal harvesting in  
7 Units 13(A) and 13(D) and also in Unit 20. Harvest use and  
8 sharing of moose by the other Upper Tanana communities in Units  
9 12, as well as Dot Lake in Unit 20(D) has also been well  
10 documented. But not all of the communities have a record of  
11 harvest in all of the units that are requested. For example,  
12 there's no record of Dot Lake residents harvesting in either  
13 Unit 11 or 13. That community and that's in here, too, I think  
14 it's the first one -- the first map, shows that Dot Lake's  
15 recorded harvest between 1946 and 1982, that those are all  
16 within Units 12 or 20(D).

17  
18 As for Healy Lake, which is referenced in Proposal 26C,  
19 there's insufficient information on that community's harvest or  
20 use areas to provide a c&t for moose in that area. Although,  
21 that community's cultural ties to other Athabaskan communities  
22 make it likely that patterns of moose use are similar to those  
23 other communities. There has been nothing to suggest that  
24 Healy Lake residents ever have traveled to Unit 11 or 12 to  
25 harvest moose. And Healy Lake already does have a positive c&t  
26 for moose in Unit 20(D). So it's hoped that more information  
27 on Healy Lake will come forward in either public testimony here  
28 or in Regional Council discussion. And we did bring this up at  
29 the meeting of the Chairs -- or the subcommittee of the two  
30 different Councils in Fairbanks. And the representative from  
31 the Eastern Interior Council thought that it would be  
32 acceptable to him to wait until next year to consider Healy  
33 Lake for a moose c&t.

34  
35 For Northway, moose hunting has occurred in Units --  
36 and this Map number 2, moose hunting has occurred in Units  
37 13(C) and 20(D) and possibly some occasional harvest in Unit  
38 11. And Tanacross moose hunting has been documented in Units  
39 11, 12, 13(C) and 20(D). No moose hunting on the other hand --  
40 and now we're moving to Map number 4, no moose hunting has been  
41 recorded by Tetlin residents in Unit 11. All of their moose  
42 hunting areas were in Unit 12. But the Tok hunters, as  
43 mentioned above, have hunted in several different units.

44  
45 So clearly there -- as was mentioned yesterday, clearly  
46 there's a lot of mobility among the different communities,  
47 particularly, the Athabaskan communities and there is a lot of  
48 kinship ties among the communities. So it's very difficult to  
49 make determinations that take into account that kind of  
50 mobility and interrelationship. However, the conclusion that

00141

1 we came to was that it seemed reasonable to recommend a  
2 positive c&t for all the residents of Unit 12 for Unit 11 north  
3 of Sanford River and for Units 12, 13(C) and 20(D) and that  
4 reflects the harvest pattern of the past.

5  
6 I think I'll stop there and see if there's anything  
7 that I can clarify.

8  
9 MR. LOHSE: Rachel, I have a question on 26C.

10  
11 MS. MASON: Um-hum. (Affirmative)

12  
13 MR. LOHSE: You were talking about it only being Unit  
14 11 north of the Sanford River, I don't see that in the proposal  
15 anyplace when you were talking about the positive c&t of Unit  
16 12 and 20(D) applying to Unit 11 north of the Sanford River.

17  
18 MS. MASON: The Sanford River was -- there -- that's  
19 actually a much broader area than actually is reflected in the  
20 harvest areas. And that was brought up as a possible way of  
21 dividing the northern portion of Unit 11 and we had discussed  
22 it for some of the other proposals. But there is nothing  
23 especially sacred about the Sanford River or it's not really  
24 reflected in the harvest patterns.

25  
26 MR. LOHSE: And it's not reflected in the proposal  
27 because that would be an amendment?

28  
29 MS. MASON: That would be an amendment.

30  
31 MR. LOHSE: Okay. Any other questions for Rachel?

32  
33 MR. JOHN: For 20(D) east, the only place I know in  
34 20(D) is probably Dot Lake -- the Native Village of Dot Lake.  
35 I don't know anything else about the rest of the place and I  
36 don't think I could vote on anything, even Dot Lake.

37  
38 MS. MASON: Yeah, that.....

39  
40 MR. JOHN: And I don't want to vote on anything more  
41 than what I know on. I know the Village of Dot Lake and  
42 probably Healy and I don't know if Healy got any real hunting  
43 down at that area, moose anyway.

44  
45 MS. MASON: You may prefer to recommend by communities,  
46 rather than by east of the Johnson River because I understand  
47 that not only are there two different communities of Dot Lake,  
48 but there is potentially more communities than that in Unit  
49 20(D) east of the Johnson River.

50

00142

1 MR. JOHN: Yeah.

2

3 MR. LOHSE: Is 20(D) in our area even or is 20(D) in  
4 out of Southcentral, isn't it?

5

6 MS. MASON: Yeah, it's in the Upper -- Dot Lake is  
7 usually included with the Upper Tanana villages. But  
8 technically, I believe it is in the Eastern Interior Region  
9 and, in fact, there's a representative from Dot Lake on the  
10 Eastern Interior Council.

11

12 MR. LOHSE: It would be pretty hard for us to find  
13 c&t's for Unit 20(D) when it's not even in our area?

14

15 MS. MASON: Yeah. I'm looking to others in the program  
16 that can -- I think you can make a recommendation for it.  
17 That's it.

18

19 MR. LOHSE: Thank you, Rachel. Do we have any other  
20 testimony? Written testimony?

21

22 MS. EAKON: Yes. We received three comments on  
23 Proposal 26. The Alaska Department of Fish and Game has  
24 deferred final comments. The Wrangell-St. Elias National Park  
25 Subsistence Resource Commission supports an amended proposal  
26 which would include all rural residents of Units 11, 12, 13 and  
27 Dot Lake. The Upper Tanana Fortymile Fish and Game Advisory  
28 Committee in Tok supports the proposal. They recommend that  
29 Upper Tanana residents be acknowledged and granted c&t use in  
30 Units 11, 12, 13 , 20(D), 20(E) and 25(B) and (C).

31

32 That concludes the written comments.

33

34 MR. LOHSE: Do we have any public testimony at this  
35 time?

36

37 MS. KENDALL: Thank you. I just want to give testimony  
38 on behalf of Northway.

39

40 MR. LOHSE: Your name?

41

42 MS. KENDALL: My name is Heather Kendall, excuse me,  
43 and I'm giving public testimony on behalf of Northway of which  
44 I had some dealings with last winter when one of their elders  
45 was cited for taking a moose within the Wrangell-St. Elias Park  
46 on the basis that Northway did not have a positive c&t. Well,  
47 upon my involvement in her case, it became very apparent that  
48 the park, itself, believed that Northway should, in fact, have  
49 a positive c&t. They had done some amount of research on the  
50 subject several years ago in 1994, and made the recommendation

00143

1 that Northway receive a positive c&t. Like your discussion  
2 yesterday, it became apparent to me as well that Darlene John  
3 had many relatives that had originated within Unit 11. Many  
4 people that live in Northway came to Northway from the  
5 community -- the original community of Nabesna. And on the map  
6 you can see that that is right there within the upper area of  
7 Unit 11. So I would like to urge the Council to consider  
8 Northway in its consideration of this proposal, please.

9  
10 MR. LOHSE: Any questions? Is there any other further  
11 public testimony? Any other comments from Staff? Agencies?

12  
13 MS. ANDREWS: Good morning, Mr. Chairman, Elizabeth  
14 Andrews, Department of Fish and Game. And we don't have any  
15 additional comments at this time, thank you.

16  
17 MR. LOHSE: Thank you. Well, that puts it in the  
18 ballpark of the Council. In order for us to move forward, a  
19 motion to accept Proposal 26A is in order.

20  
21 MR. OSKOLKOFF: Mr. Chairman, I'll so move Proposal  
22 26A.

23  
24 MR. LOHSE: Is there a second?

25  
26 MR. JOHN: Second.

27  
28 MR. LOHSE: It's been moved and seconded, Proposal 26A.  
29 Discussion?

30  
31 MR. OSKOLKOFF: Mr. Chairman?

32  
33 MR. LOHSE: Yes.

34  
35 MR. OSKOLKOFF: In regards to 26A, I happen to agree  
36 with the Staff recommendation that it's too sweeping, it's  
37 simply makes some changes that I don't know if we really want  
38 to -- I'm not prepared to do on that scale, at least, without  
39 looking at individual communities. I think that perhaps the  
40 suggestion, working with 26C, is something a little more  
41 manageable, therefore, I'll vote against 26A.

42  
43 MR. LOHSE: Any other discussion?

44  
45 MR. JOHN: Question.

46  
47 MR. LOHSE: Question's been called. All in favor of  
48 26A signify by saying aye or yes.

49  
50 (No affirmative votes)



00144

1 MR. LOHSE: All opposed.

2

3 IN UNISON: Aye.

4

5 MR. LOHSE: Motion fails. Let's go to 26B, a motion's  
6 in order to consider 26B for approval.

7

8 MR. DEMENTI: So moved.

9

10 MR. LOHSE: It's been moved by Gilbert. Is there a  
11 second?

12

13 MR. OSKOLKOFF: Second.

14

15 MR. LOHSE: Second.

16

17 MR. JOHN: 26B?

18

19 MR. LOHSE: 26B. Discussion or comments from the  
20 Council?

21

22 MR. OSKOLKOFF: Mr. Chairman, once again I'll agree  
23 with the Staff recommendation. I believe that 26B, the intent  
24 of 26B is taken up under 26C and therefore, I'll vote against  
25 the proposal.

26

27 MR. LOHSE: So you feel that we can handle 26B under  
28 26C?

29

30 MR. OSKOLKOFF: I think that would be appropriate.

31

32 MR. LOHSE: Okay, then the question is in order.

33

34 MR. JOHN: Question.

35

36 MR. LOHSE: Question's been called. All in favor of  
37 26B signify by saying aye.

38

39 (No affirmative votes)

40

41 MR. LOHSE: All opposed like sign.

42

43 IN UNISON: Aye.

44

45 MR. LOHSE: Motion fails. And a motion to consider 26C  
46 is in order.

47

48 MR. DEMENTI: So moved.

49

50 MR. LOHSE: It's been moved. Do I hear a second?

00145

1 MR. OSKOLKOFF: Second.

2

3 MR. LOHSE: It's been moved and seconded that we  
4 consider Proposal 26C for adoption. Discussion? Amendments?  
5 Comments?

6

7 MR. JOHN: I'd like to make an amendment to this  
8 motion. I'd like to, on 20(D), I'd like to take out 20(D) and  
9 put the Native Village of Healy Lake on there, instead of all  
10 rural residents of -- okay, let me say it again. Rural  
11 residents of Unit 12, keep that in there, but then the Village  
12 of 20(D) -- how come it says, rural residents of Unit 12 and  
13 Tanacross there?

14

15 MR. LOHSE: Tanacross must already be in there, Fred.  
16 On 20(D), basically the stuff that's highlighted is what  
17 they're adding, which is Unit 12 and Healy Lake. They're  
18 adding to 20(D) in that one right there.

19

20 So currently it reads rural residents of Unit 20(D) and  
21 residents of Tanacross.

22

23 MR. JOHN: Well, then 20(D), I'd like to take out 20(D)  
24 and put the Native Village of Tanacross and leave out Healy  
25 Lake.

26

27 MS. MASON: Okay. That would be -- are you referring  
28 to the proposal as it is stated in the proposal book?

29

30 MR. JOHN: Yes.

31

32 MR. LOHSE: So you would like to -- did I understand  
33 right, you'd like to put in Unit 12 and leave out Healy Lake,  
34 right?

35

36 MR. JOHN: Leave out the residents of 20(D). Tanacross  
37 -- I mean Dot Lake is in 20(D), I just want to name Dot Lake in  
38 there and take out the resident 20(D), I don't know anything --  
39 it includes everybody.

40

41 MR. LOHSE: Okay. Is this under Unit 20(D) or is this  
42 under Unit 11? Let's take a look at the proposed regulation  
43 right down there. We've got a Unit 11, Unit 13 and a Unit  
44 20(D).

45

46 MR. JOHN: Let me see, 26C, okay.....

47

48 MR. LOHSE: We're under 26C.

49

50 MR. JOHN: .....I want to add Dot Lake for 20(D) and

00146

1 take out Healy Lake, that's all.

2

3 MR. LOHSE: Okay. Now, is Dot Lake in Unit 20(D)?

4

5 MR. JOHN: Yeah.

6

7 MR. LOHSE: So it's already covered. See, it's already  
8 in there Fred. If we take a look at it, because currently what  
9 it reads is rural residents of Unit 20(D).

10

11 MR. JOHN: Yeah. I want to take 20(D) out and just put  
12 the Village of Dot Lake.

13

14 MR. LOHSE: In 20(D)?

15

16 MR. JOHN: It is in 20(D) -- instead of 20(D).

17

18 MR. LOHSE: Okay. For Unit 20(D), all you want in  
19 there is the residents of Dot Lake?

20

21 MR. JOHN: Yeah. This whole thing -- let me ask you a  
22 question before -- there's so darn much stuff here. This whole  
23 thing is for hunting in Unit 11, right?

24

25 MS. MASON: The proposed modification would incorporate  
26 hunting in Unit 11, Unit 13(C) and Unit 20(D). But the people  
27 referenced are much broader than that, including the people in  
28 Unit 12.

29

30 MR. LOHSE: Where it says, Unit 20(D) moose, that's  
31 hunting in Unit 20(D), that's not hunting in Unit 11, so that's  
32 hunting in 20(D).

33

34 MR. JOHN: I see what you're saying.

35

36 MR. LOHSE: So what they're saying here is right now,  
37 currently, the rural residents of 20(D) can hunt in 20(D),  
38 which includes Dot Lake.....

39

40 MR. JOHN: Okay.

41

42 MR. LOHSE: .....and the residents of Tanacross.

43

44 MR. JOHN: Okay, I'm talking about under that Unit 11  
45 then.

46

47 MR. LOHSE: Okay, under Unit 11.

48

49 MR. JOHN: I'm sorry.

50

00147

1 MR. LOHSE: Okay.

2

3 MR. JOHN: Yeah, okay, resident of 20 -- on Unit 11,  
4 that moose be -- instead of Dot Lake -- Unit 20(D), I want Dot  
5 Lake, that's all and then take out the rest. That's my  
6 amendment, just the residents of the Village of Dot Lake.

7

8 MR. LOHSE: So you would read it rural residents of  
9 Unit 11, residents of Unit 12, rural residents of 13(A) and (D)  
10 and the residents of Chickaloon and residents of Dot Lake; is  
11 that what you meant right there Fred?

12

13 MR. JOHN: No. The Native Village of Dot Lake.

14

15 MR. LOHSE: Okay, Native Village of -- okay, residents  
16 of the Native Village of Dot Lake?

17

18 MR. JOHN: One more question. Is Chickaloon, is there  
19 any proof that they hunt up this way?

20

21 MS. MASON: No, no. And they're not even 13, I think  
22 they're in 14.

23

24 MR. JOHN: Then I'd like to delete them just for the  
25 what I know.

26

27 MR. LOHSE: Rachel, can I ask, how they got in there to  
28 begin with if they didn't have a c&t?

29

30 MS. MASON: This was at a meeting that I was not in  
31 attendance and maybe Taylor looks like he knows what's  
32 happening.

33

34 MR. BRELSFORD: The existing c&t referred to residents  
35 of Unit 13 and it turns out that Chickaloon is divided between  
36 two units, it's on the boundary and the river running between  
37 it is the unit boundary. So half the village is outside of  
38 Unit 13 and half the village is in Unit 13. The intention here  
39 was to treat the whole village as one entity. So when the regs  
40 read residents of Unit 13, that left have the village out, half  
41 the community out. That's why it's written specifically to  
42 say, these residents of Unit 13.

43

44 MR. LOHSE: That's why Chickaloon is mentioned by name?

45

46 MR. BRELSFORD: That's correct. In order to  
47 incorporate that portion of the village outside of Unit 13.

48

49 MR. LOHSE: Fred, did you get that?

50

00148

1 MR. JOHN: Yes. I'd like to change that to the Native  
2 Village of Chickaloon.

3  
4 MS. MASON: Mr. Chairman, can I make a small  
5 clarification that was just pointed out to me? On the Proposal  
6 26C, it looks like in the proposed regulation under Unit 11,  
7 moose, it says rural residents of Unit (A) -- that's (A)  
8 through (D), rather than (A) and (D).

9  
10 MR. LOHSE: Um-hum. (Affirmative)

11  
12 MS. MASON: So it would be (A), (B), (C) and (D).

13  
14 MR. LOHSE: I think that Fred hit on a good way to do  
15 this. Let's just take each unit by unit so we know what we're  
16 talking about and let's deal with Unit 11 to start off with  
17 then.

18  
19 Okay, so you proposed an amendment to Unit 11 to read  
20 the way it currently reads, plus the residents of the Native  
21 Village of Dot Lake and the Native Village of Chickaloon, is  
22 that.....

23  
24 MR. JOHN: Yes. The reason I said the Village of  
25 Chickaloon -- the Native Village of Chickaloon, 'cause I say  
26 that Chickaloon, it kind of went all the way down into -- you  
27 know, where the mountain is, King Mountain, a little farther  
28 down -- all the way down they took all the -- I mean they're  
29 all saying they're a resident of Chickaloon and it's too  
30 farfetched for me. When we're dealing -- there's a Village of  
31 Chickaloon, but the rest are on the road highway going down  
32 further than King Mountain.

33  
34 MR. LOHSE: Do we have any other harvest data from any  
35 other communities in Unit 20(D) other than Dot Lake?

36  
37 MS. MASON: No.

38  
39 MR. LOHSE: No. So Dot Lake is the only one that we  
40 have harvest data for?

41  
42 MS. MASON: That's correct.

43  
44 MR. LOHSE: Okay.

45  
46 MR. OSKOLKOFF: Mr. Chairman, could I ask Rachel, what  
47 kind of information do we have on Healy Lake?

48  
49 MS. MASON: We have no information whatsoever on  
50 harvest patterns. And this came up last year in the Eastern

00149

1 Interior Region, there was a proposal for Healy Lake which was  
2 deferred because there was no information. And I had hoped  
3 that possibly some information might come forward at the  
4 Council level here or from knowledge that the Council members  
5 have on Healy lake, but there isn't anything that we have at  
6 present.

7

8 MR. OSKOLKOFF: With that, I'd like to second Mr.  
9 John's amendment.

10

11 MR. LOHSE: Okay. It's been moved and seconded to  
12 amend 26C, Unit 11 moose to read, and correct me if I'm wrong,  
13 rural residents of Unit 11, residents of Unit 12, rural  
14 residents of Unit 13(A) through (D) and the residents of the  
15 Native Village of Chickaloon and the Native Village of Dot  
16 Lake. Does everybody understand that amendment?

17

18 MR. JOHN: Yes.

19

20 MR. OSKOLKOFF: Shall we go ahead and vote on the  
21 amendments?

22

23 MR. LOHSE: Yeah, I think we need to take each  
24 amendment separately and do it unit by unit.

25

26 MR. OSKOLKOFF: Okay. And then vote on the overall?

27

28 MR. LOHSE: And then vote on the overall thing. How  
29 long have the residents of Chickaloon had a c&t finding in this  
30 area, Taylor?

31

32 MR. BRELSFORD: Mr. Chairman, that was an existing c&t  
33 that came in from the State program, so it would have been part  
34 of the Federal program since 1990. And I don't know the  
35 specifics of when this decision was taken by the State Board of  
36 Game. But generally they were making c&t decisions between  
37 about 1986 and 1980. There's a chance the specific date's in  
38 here and we could verify it, but that would be the general time  
39 period.

40

41 MR. LOHSE: Well, then can I ask you another question  
42 before you go? Then if we would adopt this as amended, we  
43 would be ending up taking away subsistence rights from people  
44 who have already been making use of them in Unit 13 up to this  
45 point in time?

46

47 MR. BRELSFORD: I believe the effect of your restating  
48 the amendment was to leave intact the language, rural residents  
49 of Unit 12, residents -- pardon me, rural residents of Unit 11,  
50 residents of Unit 12, rural residents of Unit 13(A) through

00150

1 (D). There was no change.....

2

3 MR. LOHSE: Right.

4

5 MR. BRELSFORD: .....if I understood your.....

6

7 MR. LOHSE: Right.

8

9 MR. BRELSFORD: .....restatement correctly.

10 Continuing, in regard to what is presently there, referring to  
11 residents of Chickaloon, you've offered substitute language  
12 that would specify only the Native Village of Chickaloon and  
13 then as a total new element, the amendment would add, the  
14 Native Village of Dot Lake. So in response to your question of  
15 what is scaled back, I think the net effect would be only in  
16 regard to Chickaloon, the people who would not be part of the  
17 Native Village of Chickaloon would be excluded under the  
18 amendment language.

19

20 MR. LOHSE: Under the amendment, okay. And is most of  
21 Chickaloon in Unit 13?

22

23 MR. BRELSFORD: I don't know exactly the configuration  
24 on one side of the river versus the other. The problem that  
25 was brought to our attention is that the unit boundary runs on  
26 the river and it runs through the middle of the town. But I  
27 don't actually know proportions on either side.

28

29 MR. LOHSE: Any other discussion from the Council on  
30 this amendment?

31

32 MR. BRELSFORD: Mr. Chairman, perhaps a point of  
33 additional information. As distinct from the community of Dot  
34 Lake where there are separate geographic communities, in  
35 Chickaloon, Bill mentions to me that it is actually one unified  
36 community, it's not distinct geographically in the same  
37 fashion.

38

39 MR. LOHSE: Um-hum. (Affirmative)

40

41 MR. BRELSFORD: I think it's perhaps important to say  
42 on the record as well, that ANILCA generally urges us to treat  
43 rural residents of communities uniformly.

44

45 MR. LOHSE: Right.

46

47 MR. BRELSFORD: Not to make inter-nation distinctions  
48 of this sort. Where that's necessary or that's the intention  
49 of motions, like this, I think it's very important that the  
50 rationale be articulated and that rationale has to refer to the

00151

1 historic practices, the eight factors, things of that sort. So  
2 I think it's fair to say, it's kind of a yellow light. When  
3 the Council feels that it's appropriate to make distinctions of  
4 that sort within a community, an extra caution ought to go up  
5 in everybody's head and careful statements of rationale  
6 referring to history of use patterns and so on. We need to  
7 make an extra effort in that respect.

8  
9 MR. LOHSE: Personally, I think that when you start  
10 having to distinguish -- take differences in a community, then  
11 you need to apply 804. I think that if you're going to take  
12 inside of a community and make distinctions, you've got to use  
13 80 -- you should have to use 804 instead of, you know, like he  
14 said, to take a community that currently is a unified community  
15 and split it up after they've already had -- after they've  
16 already been underneath this, I can't -- I can't support the  
17 amendment as it is with the part of Chickaloon in there.

18  
19 MR. OSKOLKOFF: Mr. Chairman, maybe if I can clarify.  
20 Unless there is some other definition of the term, Native  
21 Village as it applies to Chickaloon, from my recollection at  
22 least, since there aren't two villages, there is only the  
23 Native Village of Chickaloon that has a Native name and it  
24 doesn't say the Native residents of Chickaloon, it simply says  
25 the Native Village of Chickaloon, of which some of those  
26 residents are not Native. I think we would not be in a  
27 situation where we would be making distinctions between race or  
28 tribal membership or anything else. I think it would just --  
29 it just clarifies it that in someone's mind that that's  
30 originally a Native village as opposed to a non-Native village.  
31 I don't think we would run into that situation unless we said  
32 the Native residents or use that terminology because there are  
33 not two distinct or even semi-distinct areas there.

34  
35 MR. LOHSE: So there's not two communities there?

36  
37 MR. OSKOLKOFF: No.

38  
39 MR. LOHSE: Okay. Any other comments from Council?  
40 Taylor, do you have a comment on that?

41  
42 MR. BRELSFORD: Well, in the vote or when we're  
43 settled, Gary's understanding is to common -- in fact, ground  
44 for the Council.....

45  
46 MR. LOHSE: Um-hum. (Affirmative)

47  
48 MR. BRELSFORD: .....that's a very significant  
49 clarification. In effect, what you're suggesting is that  
50 you're referring to a residential area, not distinguishing



00152

1 residents by political status or tribal background. You're  
2 using the term, Native Village of Chickaloon to refer to a  
3 geographic place. And anybody who lives in that place would  
4 come under the c&t determination?

5  
6 MR. OSKOLKOFF: That's what my.....

7  
8 MR. BRELSFORD: You intention is?

9  
10 MR. OSKOLKOFF: .....intention is. Because I don't  
11 think there's -- the reason I say that is simply because I  
12 don't think there's any definition I can apply to that  
13 terminology that would allow me to make a distinction there  
14 unless I said, Native residents or Native tribal residents or  
15 something like that, and I want to make that clear. I  
16 appreciate your clarification on that.

17  
18 MR. LOHSE: So what you're saying, Gary, is that it's a  
19 Native village and it has Native and non-Native residents of  
20 that village?

21  
22 MR. OSKOLKOFF: That's my -- well, first of all, that's  
23 the way it is.

24  
25 MR. LOHSE: Um-hum. (Affirmative)

26  
27 MR. OSKOLKOFF: And secondly, that's what my intention  
28 was in seconding the motion, that it would have no net effect  
29 one way or the other on the way things have been conducted so  
30 far.

31  
32 MR. LOHSE: All right. With that, I can support it.  
33 Any other comments from the Council? Well, let's take up this  
34 amendment, a question is in order.

35  
36 MR. OSKOLKOFF: Call for the question.

37  
38 MR. LOHSE: Question's been called for. All in favor  
39 of the amendment to the Unit 11 portion of Proposal 26C signify  
40 by saying aye.

41  
42 IN UNISON: Aye.

43  
44 MR. LOHSE: All opposed same sign.

45  
46 (No opposing votes)

47  
48 MR. LOHSE: Motion carries. Now, let's go on to Unit  
49 13. I wish we had Roy here for this one here. Currently it  
50 reads rural residents of Unit 13 and the residents of

00153

1 Chickaloon. Proposed changes to it was to add the residents of  
2 Unit 12 and Unit 13 and again, the residents of Unit 20(D) east  
3 of Johnson River and residents of Healy Lake. Do we have an  
4 amendment to this one?

5  
6 MR. DEMENTI: Is that all in Unit 13(C) you're talking  
7 about?

8  
9 MR. LOHSE: No.

10  
11 MR. DEMENTI: Or the whole unit.....

12  
13 MR. LOHSE: This is 13(A) through (D), right?

14  
15 MS. MASON: Actually as it reads into the proposal, it  
16 would be all of 13?

17  
18 MR. LOHSE: Right.

19  
20 MS. MASON: And I think it goes over (D), I think it  
21 goes to (E) or something.

22  
23 MR. DEMENTI: It would go all the way to (E)?

24  
25 MS. MASON: Right, right. The recommendation of the  
26 Staff was to limit it to Unit 13(C), but there's nothing in the  
27 proposal that would limit it to that.

28  
29 MR. LOHSE: Has the information that's been shown that  
30 the hunting by these different areas have taken place mostly in  
31 Unit 13(C)?

32  
33 MS. MASON: That's the basis for the recommendation.  
34 Unit 13 is rather large. And the documented harvest areas are  
35 within Unit 13(C).

36  
37 MR. OSKOLKOFF: Mr. Chairman, could I ask for my own  
38 clarification, that would be in addition to what already was an  
39 existing regulation for Unit 13, moose? In other words, it  
40 said rural residents of Unit 13 and the residents of Chickaloon  
41 for moose and then there would be an addition to regards -- the  
42 other residents of Unit 12, 20(D) east of Johnson River and  
43 residents of Healy Lake for Unit 13 only?

44  
45 MS. MASON: That would have to be a modification  
46 because as the proposal reads it is for all of 13, so it would  
47 have to be -- in regard to the residents of Unit 12 and of  
48 20(D) it would have to be modified to give them a positive c&t  
49 only in a portion of Unit 13 if you were to take the  
50 recommendation.

00154

1 MR. OSKOLKOFF: So there would be a subpart then to  
2 Unit 13, Unit 13 would be intact and then there would be a  
3 subpart for Unit 13(C)?  
4

5 MS. MASON: That's correct. There would be a subpart  
6 of Unit 13 that would add the residents of Units 12 and 20(D)  
7 east of the Johnson River.  
8

9 MR. LOHSE: And again, for even Unit 13(C), the only  
10 ones that we've got documented usage is for Dot Lake?  
11

12 MS. MASON: I can't remember exactly what -- which  
13 communities have documented harvest. I believe that Tok  
14 definitely did.  
15

16 MR. LOHSE: I was thinking of in 20(D).  
17

18 MS. MASON: Oh, in 20(D)?  
19

20 MR. LOHSE: Yeah.  
21

22 MS. MASON: Again, I'm under the impression that Tok  
23 hunters went to 20(D) as well.  
24

25 MR. LOHSE: No, I mean for Unit 13(C).  
26

27 MS. MASON: I see.  
28

29 MR. LOHSE: For 13(C), where we're talking about  
30 residents of Unit (D) east of the Johnson River and residents  
31 of Healy Lake, the only one we have documented harvest for.....  
32

33 MS. MASON: Yes.  
34

35 MR. LOHSE: .....is Dot Lake?  
36

37 MS. MASON: That's correct.  
38

39 MR. LOHSE: Okay. So that goes along with what you did  
40 for Unit 11 then. And we have documented harvest for residents  
41 of Unit 12 in 13(C)?  
42

43 MS. MASON: That's right, for all of the communities.  
44

45 MR. LOHSE: For Tanacross, Tetlin, Tok and Northway?  
46

47 MS. MASON: Yes.  
48

49 MR. LOHSE: Okay. So an amendment is probably in  
50 order. How do we want to structure that one? I think the same

00155

1 way we structured the last one.

2

3 MR. OSKOLKOFF: Can we think of a way to do it without  
4 a subpart, just for separate subpart -- subpart for Unit 13(C)  
5 that mentions these other communities or should we tie them  
6 altogether?

7

8 MR. LOHSE: Let's tie them together on 13(C).

9

10 MR. OSKOLKOFF: Well, I'm at a loss for wording on  
11 that, maybe somebody could.....

12

13 MR. LOHSE: Just say Unit 13(C), rural residents of  
14 Unit 12 and the residents of the Native Village of Chickaloon  
15 and the residents of the Native Village of Dot Lake. That  
16 would be the same as what you made on the last one and it would  
17 cover what we have documented information for.

18

19 MR. OSKOLKOFF: Mr. Chairman, could you restate that  
20 wording one more time?

21

22 MR. LOHSE: Well, it appears to me that all we have is  
23 documentation for 13(C). We have documentation for Unit 12 and  
24 we have documentation for Dot Lake. So for 13(C) we could  
25 include the rural residents of Unit 12,, Unit 13 and the  
26 residents of Chickaloon and the residents of the Native Village  
27 of Dot Lake.

28

29 MR. OSKOLKOFF: Okay. And that would leave intact the  
30 present.....

31

32 MR. LOHSE: That would leave intact present Unit 13,  
33 which is rural residents of Unit 13 and the residents of  
34 Chickaloon.

35

36 MR. OSKOLKOFF: Okay.

37

38 MR. DEMENTI: Are you going to strike Unit 20(D) then?

39

40 MR. LOHSE: Well, what we're talking about is the only  
41 information we have from 20(D) that's documented is the Native  
42 Village of Dot Lake. So at that point in time, until we have  
43 other documentation, we really couldn't do anything else.

44

45 MR. OSKOLKOFF: Mr. Chairman, I'll attempt to make the  
46 motion to add Unit 13(C) moose, rural residents of Unit 12,  
47 Unit 13 and the residents of Chickaloon and the residents of  
48 the Native Village of Dot Lake.

49

50 MS. MASON: Mr. Chairman, just as an element of

00156

1 clarification, Unit 13 residents and the residents of  
2 Chickaloon already have c&t for the entirety of Unit 11, so  
3 they don't need to be referenced.

4  
5 MR. LOHSE: So we don't even need to reference them  
6 under 13(C)?

7  
8 MS. MASON: Under 13(C).

9  
10 MR. OSKOLKOFF: Okay.

11  
12 MR. LOHSE: So we don't even need to -- we don't need  
13 to reference residents of Unit 13 even? Taylor.

14  
15 MR. BRELSFORD: Mr. chairman, I think the effect of  
16 this would be to take Unit 13 and make two references.

17  
18 MR. LOHSE: Right.

19  
20 MR. BRELSFORD: One would say Unit 13(C). It would  
21 have one set of communities specified. The next reference  
22 would be remainder of Unit 13. It would refer to the remaining  
23 subunits outside of 13(C). So 13(A), (B), (D) and (E) would be  
24 referred to as Unit 13 remainder and you would have a stand  
25 alone c&t finding there under the language of the amendment  
26 being proposed so far. The existing c&t for that remainder  
27 would remain unchanged.

28  
29 MR. LOHSE: Would remain the same?

30  
31 MR. BRELSFORD: Yeah.

32  
33 MR. LOHSE: But we don't need to make a motion on that?

34  
35 MR. BRELSFORD: Correct. The effect of the motion that  
36 you're.....

37  
38 MR. LOHSE: Right.

39  
40 MR. BRELSFORD: .....entertaining would be to breakout  
41 Unit 13(C).....

42  
43 MR. LOHSE: Right.

44  
45 MR. BRELSFORD: .....to make some specific language  
46 there and to leave alone what would be called Unit 13,  
47 remainder.

48  
49 MR. LOHSE: Remainder, yeah. So the way the motion is  
50 made the motion should stand?

00157

1 MS. MASON: That's right.

2

3 MR. LOHSE: Okay. With that, is there any further  
4 discussion on the amendment?

5

6 MR. OSKOLKOFF: It needs a second.

7

8 MR. LOHSE: Has it got a second?

9

10 MR. JOHN: Second.

11

12 MR. LOHSE: It's been seconded. Fred John seconded it.  
13 Now, we can have discussion on the amendment. Hearing  
14 none.....

15

16 MR. OSKOLKOFF: Mr. Chairman, could I just throw out a  
17 real quick note?

18

19 MR. LOHSE: Okay.

20

21 MR. OSKOLKOFF: That since I'm the maker of an  
22 amendment which excludes people who had applied -- or  
23 essentially had been listed in the proposal, I would like to  
24 suggest that the reason I did so was simply because we lack  
25 information. And given a lack of information and no testimony  
26 to the affirmative, I found no choice but to work with the  
27 negative, which in dealing with subsistence matters and rural  
28 people I don't like to do it as a general rule. But I have no  
29 choice in that. Just for clarification.

30

31 MR. LOHSE: Okay.

32

33 MR. OSKOLKOFF: And with that I'll call for the  
34 question.

35

36 MR. LOHSE: Thank you. Question's been called for.  
37 All in favor of the amendment to the Unit 13(C) moose  
38 regulations signify by saying aye.

39

40 IN UNISON: Aye.

41

42 MR. LOHSE: All opposed signify by saying nay.

43

44 (No nay votes)

45

46 MR. LOHSE: Motion carries. Now, we can go on to Unit  
47 20(D) moose. 20(D) is actually out of our area. Yeah, Healy  
48 Lake is in 20(D)?

49

50 MS. MASON: Healy Lake is in 20(D).

00158

1 MR. LOHSE: Right.

2  
3 MR. JOHN: This 20(D), it's just dealing with 20(D),  
4 yes?

5  
6 MR. LOHSE: Right.

7  
8 MR. JOHN: I'd like to say we just let the Eastern  
9 Interior deal with this, we don't much about this.

10  
11 MR. LOHSE: Do we have documentation of hunters from  
12 Unit 12 hunting in 20(D)?

13  
14 MS. MASON: Off the top of my head, I can't remember  
15 which communities, but I believe there are and there are many,  
16 many connections between the Upper Tanana Athabaskan  
17 Communities of Dot Lake and.....

18  
19 MR. LOHSE: Tanacross?

20  
21 MS. MASON: .....Tanacross, Northway and Tetlin. But  
22 perhaps on the use area map will be some.

23  
24 MR. LOHSE: Isn't Tanacross in Unit 12?

25  
26 MS. MASON: Tanacross is in Unit 12. And Tanacross, in  
27 Map 3, you will see that they do harvest in 20(D).

28  
29 MR. LOHSE: Right. But Tanacross has already got a c&t  
30 for 20(D). So basically what this proposal does as written --  
31 and the rural residents of 20(D) already have a c&t for 20(D),  
32 so Healy Lake is in 20(D), so it doesn't need to be in there?

33  
34 MS. MASON: Right.

35  
36 MR. LOHSE: So Healy Lake is already in that, so  
37 basically what we're doing is Tanacross is currently in 20(D),  
38 if we take the proposal as written we add the villages of  
39 Tetlin, Northway and the community of Tok to 20(D)?

40  
41 MS. MASON: That's correct.

42  
43 MR. LOHSE: Or we recommend -- we don't put them in  
44 there, but we recommend them.

45  
46 MS. MASON: Right.

47  
48 MR. OSKOLKOFF: Mr. Chairman, I'm having a similar  
49 problem to what Mr. John mentioned earlier, is that it's my  
50 understanding and, correct me if I'm wrong here, I could be

00159

1 reading this incorrectly, that we're dealing with Unit 20(D)  
2 and we're dealing with residents of Unit 12 and 20(D) --  
3 essentially everybody we're dealing with, the entire -- the  
4 entire question here is all outside of our boundaries; is that  
5 correct?

6  
7 MR. LOHSE: Is Unit 12 outside of our boundaries?

8  
9 MS. MASON: Yes.

10  
11 MR. OSKOLKOFF: Yes.

12  
13 MR. LOHSE: Then in that case, I agree with you. I  
14 think Fred John's idea of leaving this up to the other Council,  
15 because both groups.....

16  
17 MR. OSKOLKOFF: Yeah.

18  
19 MR. LOHSE: ....are in the other.....

20  
21 MR. OSKOLKOFF: Yeah, I could understand if there was  
22 -- if we were talking a group of people that are in ours  
23 hunting in theirs or.....

24  
25 MR. LOHSE: Right.

26  
27 MR. OSKOLKOFF: .....a group of people that are theirs  
28 hunting in ours.....

29  
30 MR. LOHSE: Yeah.

31  
32 MR. OSKOLKOFF: .....but they're both outside. You  
33 know, we might want to add some information if we thought we  
34 could be helpful, but I just don't feel quite right about  
35 making a decision in their area.

36  
37 MR. LOHSE: So then it's the feeling of the Council  
38 that we will only handle the Unit 11 and the Unit 13 as we have  
39 amended it and we will delete any reference to Unit 20(D); is  
40 that understood Helga? That in dealing with Proposal 26C,  
41 we'll only deal with Unit 11 and Unit 13 to which we've already  
42 offered amendments and the amendments have been passed and we  
43 will not refer to Unit 20(D). I don't know if we need a motion  
44 to that? It doesn't hurt if we do. But if we just make our  
45 motion in referral to Unit 11 and Unit 12 and make no referral  
46 to 20(D), then that's all we'll be handling.

47  
48 Okay, is that comfortable with the rest of the Council?

49  
50 MR. OSKOLKOFF: Mr. Chairman, I think it might be



00160

1 better if we did make a motion.

2

3 MR. LOHSE: Okay.

4

5 MR. OSKOLKOFF: Just because we're going to be handling  
6 this Proposal 26C as a block.

7

8 MR. LOHSE: Okay.

9

10 MR. OSKOLKOFF: And I'll go ahead and make a motion  
11 that we not take up the Proposal 26C portion that deals with  
12 Unit 20(D) moose.

13

14 MR. LOHSE: Okay, do I have a second?

15

16 MR. JOHN: I second it.

17

18 MR. LOHSE: It's been moved and seconded. Any further  
19 discussion on that?

20

21 MR. OSKOLKOFF: Question.

22

23 MR. LOHSE: Question's been called. All in favor  
24 signify by saying aye.

25

26 IN UNISON: Aye.

27

28 MR. LOHSE: Opposed signify by saying nay.

29

30 (No nay votes)

31

32 MR. LOHSE: Motion carries. Now, we're back to our  
33 original Proposal, 26C, handling the Unit 11 and Unit 13  
34 portion as amended, back on the table, any further discussion  
35 on 26C?

36

37 MR. OSKOLKOFF: Call for the question.

38

39 MR. LOHSE: Question's been called for on 26C as  
40 amended. All in favor signify by saying aye.

41

42 IN UNISON: Aye.

43

44 MR. LOHSE: All opposed signify by saying nay.

45

46 (No nay votes)

47

48 MR. LOHSE: Motion carries. Which brings us up to 26D,  
49 which has pretty well been covered by 26C. A motion on 26D is  
50 in order.

00161

1 MR. OSKOLKOFF: I'll make a motion to approve 26D.

2

3 MR. JOHN: Second.

4

5 MR. LOHSE: It's been moved and seconded to approve  
6 26D. Discussion?

7

8 MR. OSKOLKOFF: Mr. Chairman, since we've already dealt  
9 with the issues that are in Proposal 26D, I'll vote against it.

10

11 MR. LOHSE: Any other discussions?

12

13 MR. OSKOLKOFF: Call for the question.

14

15 MR. LOHSE: Question's been called for. All in favor  
16 of 26D.

17

18 (No aye votes)

19

20 MR. LOHSE: All opposed signify by saying aye.

21

22 IN UNISON: Aye.

23

24 MR. LOHSE: Motion carries, fails. Motion fails.

25 Okay, with that we go on to Proposal 27. This proposal also  
26 effects residents of the Eastern Interior Federal subsistence  
27 resource region. Okay, Staff.

28

29 MR. WILLIS: Thank you, Mr. Chair. Proposal 27 was  
30 submitted by the Copper River Native Association. And it would  
31 allow Federally qualified subsistence users to designate  
32 another Federally qualified subsistence user to take caribou  
33 and moose in Units 11, 12 and 13 on his or her behalf; what we  
34 call a designated hunter regulation.

35

36 The purpose of this proposal is to provide a legal  
37 means to obtain caribou and moose for those who are elderly,  
38 are otherwise unable to hunt for themselves. We've had  
39 designated hunter regulations in place for about two years now  
40 in Units 1 through 5 for deer and Unit 8 for deer and for moose  
41 in Unit 5. These designated hunter regulations are fairly  
42 standardized. They allow a subsistence user to harvest for  
43 another subsistence user, the recipient must have a hunting  
44 license. The person who is doing the hunting for that person  
45 obtains a designated hunter permit in order to do so.

46

47 The designated hunter permit in place for the Mentasta  
48 caribou special hunt that was established last year. This was  
49 a hunt in which we had a limited number of permits to be  
50 distributed under an 804 process. That regulation also

00162

1 contained a designated hunter provision.

2

3 The caribou herds that are readily available to the  
4 residents of Units 11, 12 and 13 are the Nelchina herd and the  
5 Mentasta herds. Currently the Nelchina herd it about 50,000  
6 animals. It's well beyond the number that the Alaska  
7 Department of Fish and Game believes the range is able to  
8 sustain. Certainly it's doing very well and a little better  
9 than we would like. Regulations have been liberalized to try  
10 to harvest some additional animals from that herd. The  
11 Mentasta herd has been in decline for a number of years and  
12 it's still declining. We do have a limited hunt in place  
13 there, limited this year to 15 bulls only and that hunt is  
14 evaluated on an annual basis. All the residents of Unit 11,  
15 Unit 12 along Nabesna Road, Unit 13(A), (B), (C) and (D) and  
16 the residents of Chickaloon, plus any changes that will be made  
17 this year have customary and traditional use of caribou in Unit  
18 11 for the Mentasta herd. And in Unit 12, the residents of  
19 Northway and Tetlin have customary and traditional use for the  
20 Nelchina herd.

21

22 Historically, of course, as well as in contemporary  
23 times, caribou have been extremely important as a resource to  
24 all the people of that region. Moose populations vary quite  
25 widely over Units 11, 12 and 13. This is a rather large area  
26 and it's a little bit hard to summarize. Unit 11, populations  
27 appear to be stable at relatively low densities. Populations  
28 in Unit 12 are fairly low and somewhat below what the habitat  
29 can support. They also are thought to be stable. The  
30 population in Unit 13 has been increasing after a decline a few  
31 years ago. It seems to be coming back fairly strongly and was  
32 up significantly this year and all the parameters with which we  
33 measure that. The populations in all those units vary  
34 significantly with the severity of the winter. Of course moose  
35 as well as caribou have been important to all the residents of  
36 that region, both in the historic times and contemporary times.

37

38 We feel that we can support this proposal. The  
39 Nelchina herd, as I said is quite large and currently  
40 considered to be underharvested. The Mentasta herd is closely  
41 controlled through an 804 process. And moose populations are  
42 generally healthy in the areas, although at low densities in  
43 some areas, but we believe that under the current regulatory  
44 restrictions, allowing one person to harvest for another would  
45 not significantly increase the harvest. And therefore, we  
46 support this proposal.

47

48 That concludes the Staff analysis.

49

50 MR. LOHSE: Thank you, Bob. Any written comments?

00163

1 MS. EAKON: Yes, Mr. Chair, we received two comments on  
2 Proposal 27. The Alaska Department of Fish and Game is  
3 deferring their final comments. Ms. Andrews, do you want me to  
4 read what you wrote or someone wrote, it's kind of lengthy, or  
5 do you want to come up and highlight -- when he comes to agency  
6 report?

7  
8 MS. ANDREWS: That will be fine.

9  
10 MS. EAKON: Okay, thank you. So Ms. Andrews will  
11 highlight their written comments. And the second comment came  
12 from Wrangell-St. Elias National Park Subsistence Resource  
13 Commission, which does support a designated hunter permit  
14 system similar to the Mentasta caribou registration hunt.

15  
16 MR. LOHSE: Thank you. Do we have any comments from  
17 individuals or groups? Hearing none, we'll go on to agency  
18 reports.

19  
20 MS. ANDREWS: Thank you, Mr. Chairman. Elizabeth  
21 Andrews, Department of Fish and Game. As mentioned, we'll be  
22 deferring our final comments, so I just wanted to make a few  
23 points here. Basically we're concerned with Unit 11 moose  
24 harvest, which are projected to increase under a designated  
25 hunter option because this is an area where moose numbers are  
26 generally low or at least the most accessible areas, moose  
27 populations are generally low. We would prefer to see that  
28 with a designated hunter option that there might be some  
29 allocation, some number that's defined that would be the number  
30 allocated under a designated hunter option and then that would  
31 help alleviate our concerns for projected increases, especially  
32 in Unit 11.

33  
34 Thank you, Mr. Chairman. That basically highlights  
35 what we have.

36  
37 MR. LOHSE: Could I ask you a question, Elizabeth?

38  
39 MS. ANDREWS: Yes.

40  
41 MR. LOHSE: Why -- you know, with moose populations  
42 being as low as it is in Unit 11, why do you project an much of  
43 an increase in harvest simply because -- well, my reasoning  
44 behind that is is the designated hunter is hunting for either  
45 himself or somebody else. And since most people have trouble  
46 getting one moose in Unit 11, the odds of them going back and  
47 getting a second moose is pretty small. And the other  
48 opportunity would be if they came across two legal moose at the  
49 same time. And that's also pretty small. So that's why I was  
50 wondering how we would end up having much of a projected

00164

1 increase?

2

3 MS. ANDREWS: Well, we're just concerned that this  
4 option would then expand to, of course, a number of individuals  
5 who presently aren't available to hunt and somebody is able to  
6 hunt for them and then that's how the numbers would increase.

7

8 MR. LOHSE: Yeah.

9

10 MS. ANDREWS: Of course we don't know what that actual  
11 projection is, but it would be helpful if there was some amount  
12 that was in mind when the Board considered adopting it.

13

14 MR. OSKOLKOFF: Mr. Chairman, could I ask Elizabeth --  
15 maybe Bob could point to something. Is there any statistics  
16 that we can look on from the State program, perhaps, that their  
17 designated hunter program, you know, what increase we're  
18 actually talking about here or what we might be talking about  
19 here? I'm asking for, I guess, speculation and if there's any  
20 documentation?

21

22 MS. ANDREWS: Mr. Chairman, Gary, I think there  
23 probably would be some information that we could share with  
24 Robert, the area biologists, as well as what we have from our  
25 proxy system, look at what we have for a number of hunters now  
26 in Unit 11 and try to make some assessment. And that's why  
27 we're deferring our final comments, because we wanted to -- you  
28 know, we don't have a problem with -- of course, with a  
29 designated hunter option, but we'd like to be able to evaluate  
30 what that increase might be. And I think if our biologists,  
31 you know, would confer with Robert, we'll probably be able to  
32 workout something.

33

34 MR. WILLIS: Our system is a little too new, Gary, to  
35 have any background information at this time. You know, we  
36 tend to -- based on our own experience, try to calculate the  
37 odds, as Ralph said, how many people can shoot two moose -- you  
38 know, what's the current harvest and what's the likelihood --  
39 what are the current regulations in place and are they  
40 sufficient to protect the population. It's kind of like adding  
41 to the number of hunters, I guess. You know, do you have  
42 regulations in place which will protect your population if you  
43 increase the number of hunters. And we feel like in this case  
44 we do. Now, that's a spike-fork 50 restriction and for non-  
45 subsistence hunters, it's any bull for subsistence hunters.  
46 But again, we're back in the situation of well, take a guess --  
47 you know, we don't think that there will be a problem with the  
48 harvest. If there is one, you know, we'll adjust it, we'll do  
49 something about it next year.

50

1           We're feeling our way through the designated hunter  
2 system. But obviously it is a customary and traditional  
3 practice. And as long as it's not detrimental to populations,  
4 then we think it's something that should be available to the  
5 subsistence user.

6  
7           I'd be glad to see any information that Elizabeth can  
8 provide on the proxy hunter system. I don't how widely that's  
9 used out in the Copper River country. The reason that ours is  
10 more liberal is that it was quite complicated for people to  
11 prove disability or age, they had to go to a central place and  
12 provide proof that they were elderly or incapacitated in order  
13 to get a permit and so I think the paperwork caused a lot of  
14 people to shy away from that. I'm not sure how widely it was  
15 used out in that area. Maybe Fred could help with that, he may  
16 have some knowledge of how widely people use the State's proxy  
17 system for moose and caribou.

18  
19           MR. LOHSE: Thank you, Elizabeth.

20  
21           MR. OSKOLKOFF: Mr. Chairman, part of the reason that I  
22 mentioned it is that it seems that we have a couple of  
23 proposals regarding this. I think we might end up with more as  
24 we go along. It would be nice to deal with it more as a whole,  
25 as a general rule if we find out that it's not going to be a  
26 significant problem. In the next year or so, if we can get  
27 that kind of information that could tell us that it's not going  
28 to be a significant problem, that there isn't going to be a  
29 significant increase or that we can calculate what the increase  
30 is so that we can make more of a general rule instead of  
31 dealing with specific area by area. It would certainly be  
32 helpful to me. And I think helpful to the hunters in general  
33 to know that that was available to them and maybe more people  
34 would take advantage of it because it would more widely known  
35 at that point.

36  
37           MR. LOHSE: To me this looks like a proposal that  
38 basically is a philosophical statement that we would support an  
39 easier permit system and easier access to a permit system for  
40 designated hunters. I don't see where we're going to be able  
41 to spell out all of the details on it.

42  
43           But this proposal reads to me and correct me if I'm  
44 wrong, is basically the idea that these designated hunter  
45 permits should be more easily accessible, more readily  
46 available.

47  
48           MR. WILLIS: That's correct. We looked at what the  
49 State was doing. And they have some fairly strict  
50 requirements, some of which are not established by the Alaska

00166

1 Department of Fish and Game, the are State regulations from  
2 another agency. I forget now who it is that has these  
3 requirements.

4  
5 But proof of age or certain degree of disability,  
6 blindness or whatever, plus the person who is disabled has to  
7 be the one to come and get the permit themselves and fill out  
8 the paperwork, we felt that that was a little to cumbersome and  
9 so in our system, the designated hunter can get the permit.  
10 Obviously, they're more able to travel to a place where they  
11 can get one. And we've also looked into the possibility of  
12 having local vendors pass these out just like a State hunting  
13 license and it has a reporting requirement. You report, not  
14 only what you harvested for yourself, what you harvested for  
15 other people, where you hunted and so forth. And so we hope to  
16 also get better reporting.

17  
18 We know that people hunt for other people to begin with  
19 and we would like to have that done in such a manner that it's  
20 legal and we get reporting back so we can better manage the  
21 resource.

22  
23 MR. LOHSE: With that I think we can handle Proposal 27  
24 without getting into the specifics, just by, you know, making  
25 an amendment to the effect that we support all efforts to make  
26 them more readily accessible and more easily available and that  
27 we consider it a necessary part of subsistence hunting.

28  
29 MR. ROMIG: Mr. Chairman, the thing that I like --  
30 looking at Proposal 33 as opposed to this Proposal 27, under 27  
31 here, it says that, you know, subsistence user who cannot hunt  
32 for him or herself, I like that language and I think that it's  
33 not included in 33. I do know under the State system of -- you  
34 know, the abuse of the system, as far as I'm concerned as where  
35 people that really haven't used the resource have just gotten  
36 somebody of a certain age that qualifies under that proxy  
37 system, then actually got a second moose for that person. So I  
38 like the idea of using that language where the subsistence user  
39 cannot hunt for himself or herself.

40  
41 MR. OSKOLKOFF: I have a bit of the problem with the  
42 term, cannot, as in it's difficult, I guess, when you're aging,  
43 to say that you cannot and how does that determination come  
44 about. You know, essentially what I found is that as people  
45 age, their range and their ability just simply slowly but  
46 surely closes in. And you can still hunt, but you're hunting  
47 may get down to the point where you're looking out your kitchen  
48 window -- you know, I think the word, cannot, maybe needs to be  
49 looked at a little bit when the regulations are drawn up to a  
50 little bit more than exactly what it is now.

00167

1 I don't know what the State has and maybe they could  
2 enlighten us to what their terminology is. My thinking is more  
3 along the line of can prove great difficulty or you know,  
4 something more on that level where a person may be so limited  
5 that this likelihood of success gets down to one percent or  
6 something as opposed to going the other direction and saying  
7 you absolutely cannot. I think it's a hard level of proof to  
8 bear.

9  
10 MR. LOHSE: How about if instead of saying, cannot,  
11 just say who because of age or disability is unable to hunt for  
12 him or herself?

13  
14 MR. OSKOLKOFF: Maybe to fully participate?

15  
16 MR. LOHSE: Fully participate.

17  
18 MR. OSKOLKOFF: Yeah, some kind of terminology like  
19 that is what I'm asking for.

20  
21 MR. LOHSE: Yeah.

22  
23 MS. MASON: Mr. Chairman?

24  
25 MR. LOHSE: Yes.

26  
27 MS. MASON: In the designated hunter provisions that  
28 are already in place, there is no burden of proof that's on the  
29 subsistence user.

30  
31 MR. LOHSE: Okay.

32  
33 MS. MASON: The way it reads for Unit 8, for example,  
34 is that a Federally qualified subsistence user may designate  
35 another Federally qualified subsistence user to take deer on  
36 his or her behalf. And while -- well, they add, unless the  
37 recipient is a member of a community operating under a  
38 community harvest system. But there is no qualification of the  
39 statements stating that the person cannot or has difficulty in  
40 hunting for his or herself.

41  
42 MR. OSKOLKOFF: Mr. Chairman, so my understanding is  
43 then a person perfectly capable of hunting for themselves in  
44 every regard could still designate someone else to do so under  
45 that system?

46  
47 MS. MASON: That burden of proof is absence. For  
48 whatever reason the person is unable to, that's not an issue in  
49 the current regulation.

50



00168

1 MR. OSKOLKOFF: Mr. Chairman, again I would like to not  
2 -- first of all I'd like to pass the proposal, but in passing  
3 the proposal I would like to avoid setting up some further  
4 hurdle that wasn't there to start with, if that's possible by  
5 changing the language or at least putting forth an  
6 understanding that the Council understands that that was not  
7 the intention by passing the language to create a hurdle that  
8 -- or a burden of proof that was unnecessarily harsh.

9  
10 MR. LOHSE: We could just delete that, pass an  
11 amendment or we could pass it as such with that understanding.

12  
13 MR. JOHN: I think we could pass with the understanding  
14 that -- what Gary just said on this.

15  
16 MR. LOHSE: With the understanding that.....

17  
18 MR. JOHN: I'll support this.

19  
20 MR. LOHSE: You support this proposal as a whole?

21  
22 CHAIRMAN EWAN: Mr. Chairman?

23  
24 MR. JOHN: It's the consideration that Gary brought up  
25 that should be included.

26  
27 MR. OSKOLKOFF: Let me take the Chairman up on his --  
28 or at least discussion, the concept of deleting the portion and  
29 those would be the words of the first sentence which -- the  
30 last portion of it which reads, who cannot hunt for him or  
31 herself, just deleting that particular portion, which I believe  
32 would leave us in line with what Rachel has given us what the  
33 understanding is with the rest of the -- or the current system.  
34 I'll make that as a motion -- an amendment.

35  
36 MR. LOHSE: Do I hear a second to that amendment?

37  
38 MR. JOHN: I second it.

39  
40 MR. LOHSE: It's been moved and seconded to pass this  
41 proposed regulation with the deletion of -- the amendment is to  
42 delete, who cannot hunt for him or herself. Discussion on the  
43 amendment?

44  
45 CHAIRMAN EWAN: Mr. Chairman, you're going to do a good  
46 job this morning.

47  
48 MR. LOHSE: I'm ready to give it back to you.

49  
50 CHAIRMAN EWAN: I'm sorry, I came in in the middle of

00169

1 the discussion here. It seems to me like you're trying to  
2 workout how this proposal would be implemented; is that  
3 correct?

4  
5 MR. OSKOLKOFF: Yes.

6  
7 CHAIRMAN EWAN: How will it work?

8  
9 MR. LOHSE: We have general support of the proposal.

10  
11 CHAIRMAN EWAN: I wasn't listening when Rachel made a  
12 comment in response to your question. Could I ask Rachel to --  
13 if we take this section out that you propose to take out, how  
14 would that work; what would.....

15  
16 MS. MASON: Mr. Chairman, what I read to the Council  
17 was the regulation that's already in place for Unit 8 for  
18 designated hunter for deer. There is specific language in that  
19 regulation which the Council may wish to substitute for the  
20 language that is proposed. I think that what was proposed as  
21 the amendment was to remove the part of the sentence that says,  
22 who cannot hunt for him or herself and that, I think,  
23 essentially accomplishes the same thing as what is in place in  
24 the language already.

25  
26 CHAIRMAN EWAN: Is the regulation book.....

27  
28 MS. MASON: Yes, would you like me to read that again?

29  
30 CHAIRMAN EWAN: If I missed yet, yeah, I'm sorry.

31  
32 MS. MASON: Yes.

33  
34 CHAIRMAN EWAN: I wasn't following it, if you did read  
35 it.

36  
37 MS. MASON: The current language for the designated  
38 hunter for deer regulation is a Federally qualified subsistence  
39 user recipient may designate another Federally qualified  
40 subsistence user to take deer on his or her behalf unless the  
41 recipient is a member of a community operating under a  
42 community harvest system. And this was the language that both  
43 the Southeast Council and the Kodiak Aleutians Council worked  
44 out as their way of phrasing this designated hunter proposal.

45  
46 CHAIRMAN EWAN: Thank you. Like I say, I'm in support  
47 of this proposal. If you want to amend it as Gary proposed,  
48 I'm for that also.

49  
50 MR. LOHSE: The amendment's on the table. If there's

00170

1 no further discussion, question's in order.

2  
3 MR. DEMENTI: Question.

4  
5 MR. LOHSE: All in favor of the amendment to Proposal  
6 27 signify by saying aye.

7  
8 IN UNISON: Aye.

9  
10 MR. LOHSE: Opposed signify by saying nay.

11  
12 MR. ROMIG: Nay.

13  
14 MR. LOHSE: No? Can you give us your reasons?

15  
16 MR. ROMIG: Well, it was kind of what I said before. I  
17 really don't believe that we need to delete the -- I think  
18 there has to be some distinction there, you know, between the  
19 -- it's kind of a personal judgment. If a person really can't  
20 go out and get it, I don't think anybody's going to question  
21 that. If you're just too lazy to go out and get it, that's  
22 another thing. And I think, you know, deleting that language,  
23 I think it just makes it more opportunistic for the latter to  
24 happen.

25  
26 MR. LOHSE: It does open the door for somebody to take  
27 advantage of it. But if that happens in time we can change the  
28 regulation too. Do you see what Bob -- can you see what his  
29 point is? That basically this way anybody, whether they're  
30 healthy or not can have somebody else go out and hunt from  
31 them.

32  
33 MR. OSKOLKOFF: Yes. And I agree with his logic,  
34 especially if it becomes apparent that people who would not  
35 otherwise hunt or would not otherwise probably participate in  
36 the hunt by either receiving an amount of game or whatever are  
37 all of a sudden -- because they are a rural resident, starting  
38 to get permits and allowing someone else then to take a great  
39 number. And I could see where it could be abused, however,  
40 right now I have a great deal of faith in the people and I  
41 don't believe we'll see that. But I think that perhaps we  
42 could workout language that would allow that not to be abused,  
43 but I'm not sure exactly what that language is. In the  
44 meantime, my hope was not to overly restrict people with a  
45 burden of proof that would be hard to meet.

46  
47 I don't know what you would do if you walked in the  
48 door and just say, I cannot hunt and how one would go about  
49 proving that, whether it would be a doctor's note or whatever.  
50 So I think some of this has to be worked out perhaps and we're

00171

1 dealing more on a conceptual basis. And I hope that would  
2 solve some of those concerns that Ben has.

3

4 CHAIRMAN EWAN: Could I ask Staff if they see similar  
5 problems that Ben sees?

6

7 MR. WILLIS: We've had a tremendous amount of  
8 discussion on this issue. I'm glad you asked because I kind of  
9 wanted to let you know that Ben is not the only subsistence  
10 user who has objected to the fact that we have no criteria for  
11 determining if someone really can or cannot hunt for  
12 themselves. We struggled for a long time trying to come up  
13 with some burden of proof that would not truly be a burden on  
14 the user, some way to qualify this and we're not able to do so.  
15 The Southeast Council and the Kodiak Aleutians Council  
16 discussed this at great length. We had a lot of testimony in  
17 both directions, whether or not there should be some burden of  
18 proof. And I guess the preponderance of the testimony and the  
19 feeling was we should not put a burden of proof on, initially  
20 anyway, until it was determined if there was a need for one.

21

22 So as I said earlier, we're kind of feeling our way  
23 through. This is a new program, a new concept and so we may  
24 well want to make some changes in the future. Ben pointed out  
25 an abuse that occurred under the State system where there is a  
26 burden of proof. So it can happen there also. We got to  
27 Southeast next week and we have some people down there who are  
28 dissatisfied with the designated hunter regulation that was put  
29 in place for deer because of feeling that there was excess  
30 harvest, people shooting deer for people who did not need the  
31 deer or want the deer are shooting deer and then trying to find  
32 someone to give them to. As I say, we're working our way  
33 through this and at this time we have no burden of proof. As  
34 Gary says, we may well find a need for one sometime in the  
35 future. And if that occurs, I would hope to get some more  
36 input from the Councils on what that should be because we spent  
37 a lot of time on it and we're not able to come up with some  
38 good criteria.

39

40 CHAIRMAN EWAN: A follow-up question on that. Just  
41 based on the comments I've heard here, can that process be, I  
42 guess worked out, administratively, rather than coming back  
43 again, you know, just hearing our concerns?

44

45 MR. WILLIS: Well, the fact that it's in regulation  
46 without any criteria says to me, I'm not a regulatory  
47 specialist, but that says to me you would have to go back  
48 through the regulatory process to change it.

49

50 MR. LOHSE: If there's no further discussion, I can

00172

1 make one comment on it just from personal observation because  
2 we have it on deer in Cordova and there has been some, but very  
3 little abuse of it, but there has been some abuse of it. There  
4 have been a couple of people who really like to deer hunt, who  
5 have actually gone out and found people to hunt for is  
6 basically what it boils down to and solicited people to hunt  
7 for it. But in general, there's been very little abuse of it.  
8 So that's just from personal observation.

9  
10 And one question for Staff, basically, I think Taylor  
11 would have to answer this one, we can't do it by age can we? I  
12 mean we can't make a blanket statement, qualified subsistence  
13 users over 60 years of age or something like that?

14  
15 MR. BRELSFORD: My recollection is that that was under  
16 discussion, that among the examples out there with ADF&G and  
17 other examples that were used in the -- we had this designated  
18 hunter task force, I don't know.....

19  
20 CHAIRMAN EWAN: Um-hum. (Affirmative)

21  
22 MR. BRELSFORD: .....Roy, you might recall, this would  
23 have been two and a half years ago. I do k now that age was  
24 talked -- discussed as a factor and that leads me to believe  
25 that it's not impossible under the regulations. But I think  
26 the collective judgment was that was not the best way to go at  
27 the present time. My sense is that's still a possibility for  
28 later revision if we get to that stage.

29  
30 MR. DEMENTI: Mr. Chairman, can I comment?

31  
32 MR. LOHSE: Yes.

33  
34 MR. DEMENTI: In Cantwell -- Hollis can correct me if  
35 I'm wrong, we have something like a partnership hunt in the  
36 Denali Park, a designated?

37  
38 MR. TWITCHELL: It's a registration hunt.

39  
40 MR. DEMENTI: But somebody else can put their name on  
41 the registration at the same time we have it?

42  
43 MR. TWITCHELL: Hollis Twitchell with Denali National  
44 Park. The hunt in the Denali area for moose is a registration  
45 permit hunt under the Federal program and there is a provision  
46 there where it is one moose per household. And what is done in  
47 that area is if there are multiple hunters within a household,  
48 their names can be added on to the registration permit in which  
49 instance, anyone within that household would be eligible to  
50 take the moose.

00173

1 MR. DEMENTI: Would that work with this?

2

3 MR. LOHSE: It wouldn't accomplish the same thing that  
4 this would accomplish, but it would -- on a registration hunt  
5 it would work. But see this is on a general hunt.

6

7 MR. DEMENTI: Oh, I see.

8

9 MR. LOHSE: This is on a general hunt. Well, if  
10 there's no further discussion on the amendment -- we already  
11 passed the amendment, didn't we?

12

13 MR. OSKOLKOFF: Um-hum. (Affirmative)

14

15 MR. LOHSE: On the amended proposal.....

16

17 MR. OSKOLKOFF: Question.

18

19 MR. LOHSE: The question's been called for. All in  
20 favor of Proposal 27, as amended, signify by saying aye.

21

22 IN UNISON: Aye.

23

24 MR. LOHSE: Opposed by saying nay.

25

26 MR. ROMIG: Nay.

27

28 MR. LOHSE: Motion carries, not unanimously. I have to  
29 leave in about 15 minutes, so should we go on to one more, do  
30 you want to takeover?

31

32 CHAIRMAN EWAN: Okay, thank you, Ralph. I would like  
33 to.....

34

35 MR. LOHSE: Let me do one thing I forgot to do. One  
36 thing I forgot to do at the start of this meeting is I was -- I  
37 need to introduce Jim Caplan.

38

39 CHAIRMAN EWAN: Okay, very good. And that's exactly  
40 what I was going to -- Jim, just could you stand up? There he  
41 is right back there, okay, welcome to the meeting Jim.

42

43 MR. CAPLAN: Thank you.

44

45 CHAIRMAN EWAN: Thanks for coming. Is that it, Ralph?

46

47 MR. LOHSE: That was all.

48

49 CHAIRMAN EWAN: All right.

50

00174

1 MR. LOHSE: And I have to leave at about 20 after 10  
2 because my boy swallowed a pin and he's coming in to go to the  
3 hospital.

4  
5 CHAIRMAN EWAN: Oh, no, sorry to hear that. We have a  
6 person that would like to testify from the Upper Tanana  
7 Wrangell-St. Elias SRC it says here, Frank Entsminger. Frank,  
8 are you here? Yeah, there you are. Good morning, Frank.

9  
10 MR. ENTSMINGER: Good morning. Do I have to do  
11 anything to turn this on? It's all right, okay. Good morning,  
12 Mr. Chair, Council members, Staff and public here, my name's  
13 Frank Entsminger. I'm the Chairman of the Upper Tanana  
14 Fortymile Advisory Committee and also I'm the Eastern Interior  
15 Council's representative to the Wrangell SRC. I apologize that  
16 I'm kind of late to this meeting, but I was in Tanana  
17 testifying up there on Wednesday and then I had to drive back  
18 to Tok and I got up at 3:00 o'clock this morning to come on  
19 down here and testify. Apparently you've probably gone through  
20 some of the proposals that dealt with the issues we were  
21 interested in. And I don't even know how you voted on the  
22 proposals, but I'd like to make a few general comments if I  
23 could.

24  
25 You know, basically Upper Tanana is asking for some c&t  
26 usage of Units 11 and 13. And it was pretty apparent at the  
27 Eastern Interior Council meeting that everybody was not on the  
28 same wave length as far as, you know, trying to get these c&t  
29 determinations made. Upper Tanana wouldn't be asking for c&t  
30 usage of those units, you know, if they didn't feel there was a  
31 justification for it. Now, I know that we were asking for  
32 mountain goat and grizzly bears as well as the other three main  
33 species of big game animals. But I want to clarify where we're  
34 coming from. Certainly we don't feel that there's a  
35 significant concentration, probably in any one of those  
36 communities, for hunting mountain goat in Unit 11. But  
37 throughout the entire Upper Tanana area, there has been enough  
38 usage of goats in that area that we felt that it was justified  
39 in trying to get a c&t so the door wouldn't be closed.

40  
41 And the way I'm looking at it and I might be wrong, but  
42 the way I'm looking at it, basically, you know, the State,  
43 years ago, dropped the c&t determinations for a lot of  
44 communities. They basically, for example, Tok was a resident  
45 zone community of park, but because the State said they had no  
46 c&t on the animals, even though they're a resident zone  
47 community, they can't hunt down there.

48  
49 Also -- you'll have to forgive me, like I said, I got  
50 up at 3:00 o'clock, but anyway, what I'm looking at is, you

00175

1 know, the State was -- I kind of look at it as a lower court,  
2 they say no c&t and we feel we have some c&t usage, so we're  
3 coming to the Council, you people, asking for a determination.  
4 Now, if you forward a recommendation to the main Board that  
5 says, no, these areas don't have any c&t and the Federal Board  
6 agrees with it, if there's any family or any community up there  
7 that feels they have -- that they have a c&t usage of that  
8 animal, it's almost like they have to go to the Supreme Court  
9 to make their wants and needs heard. So basically, I guess,  
10 what I was asking of you people and like I say, I don't know  
11 how you voted on the proposals and I don't even know if you've  
12 taken them up yet, but I'm just asking if there is anyway that,  
13 you know, you could recommend to the Board that -- you know,  
14 say for instances that you don't feel that Upper Tanana has  
15 usage or a c&t for goats as a whole, but you might could  
16 possibly recommend to the Board that there way be families or  
17 even some communities that may have and not to completely close  
18 the door to these people.

19  
20 And you know, it applies to bears, to sheep, to moose  
21 and caribou. You know, caribou, here again, we're trying to  
22 get usage of the Federal lands in 11 and 13. And years ago, as  
23 many of you can remember, people used to get on the highway  
24 system, drive their cars out the Denali Highway, wherever those  
25 Nelchina critters were crossing the roads and they'd go hunting  
26 caribou. And I don't think you have to stretch the imagination  
27 very far to say that, you know, Upper Tanana people  
28 participated in these type of hunts, as well as Anchorage,  
29 Fairbanks and other areas also. But you know, basically that's  
30 what we're saying. We feel we have a legitimate usage -- part  
31 usage of these animals to ask for it.

32  
33 And one of the reasons I think the c&t is so important  
34 is in regards to Wrangell-St. Elias, the way the National Park  
35 Service looks at it and I'm sure there's some NPS people in the  
36 audience here and they can correct me if I'm wrong, but you  
37 know, you can be in a resident zone community and if you don't  
38 have a c&t determination, you're not going to be hunting those  
39 animals. You're not even going to be eligible to apply for a  
40 1344 to hunt those animals, if you do not have a c&t  
41 determination.

42  
43 Now, recently they have said that there is an  
44 exception, if somebody really feels strong, they can go and  
45 present their case directly to the main Federal Subsistence  
46 Board and possibly be granted a c&t determination. Now, I  
47 don't know if anybody has actually done that. I think there  
48 was one case in Denali where I think somebody said that they  
49 had hunted moose over there so they went to the Board and  
50 whether they got a permit or not, I don't know. But it puts



00176

1 the burden of proof on each individual, each family, each  
2 community, to say that, you know, they qualify to hunt there.  
3 And I think it's an unduly -- an overly burdensome burden of  
4 proof put on people to do this.

5  
6 You know, I'm a hunter. I use the area over there. I  
7 don't just hunt in Wrangell-St. Elias, I hunt in a lot of other  
8 places, too. But the reason all these proposals were in that  
9 booklet, it's a conglomeration of proposals that people have  
10 compiled over the last eight and 10 years because they don't  
11 feel the current regulations are taking care of their needs.  
12 And that's why I'm here.

13  
14 One other issue that I wanted to bring up was, I'm not  
15 exactly sure who, I think it was Federal Staff -- Federal  
16 subsistence Staff realized that, you know, there was alike a  
17 crossover usage here between Upper -- or Eastern Interior and  
18 Southcentral so they got Roy and Fred and I think Chuck Miller  
19 to get together and talk about, you know, if they could work  
20 something out. I was a little upset that there weren't a few  
21 more people involved. You know, basically for the most part,  
22 we're asking usage of that area largely for Wrangell-St. Elias.  
23 I'm Eastern Interior Council's representative to Wrangell-St.  
24 Elias, I also sit on the local advisory committee up there. I  
25 try to work really hard with the village councils and TTC, I  
26 try to represent all the people up there. We're trying to keep  
27 Upper Tanana as a unit and not trying to segregate people out.  
28 We're trying to stay together and not divide everybody. And I  
29 was a little upset that there wasn't a little more  
30 representation there. I just briefly was able to read the  
31 outcome of some of the findings that happened there. There's  
32 some very misleading information there. I know Fred and Roy  
33 both sit on the Wrangell SRC, Subsistence Resource Commission.  
34 It make reference in there about Tok people hunting the park  
35 with use of airplanes. Well, that -- you know, that has been  
36 disallowed ever since the park was created. People have not  
37 been using airplanes to hunt the park, it's against the law to  
38 hunt the park anymore with an airplane. But the first couple  
39 of years they had special provisions that you might be able to  
40 fly into the preserve and access the park or fly into an in-  
41 holding and access the park, but after Chuck Budge left after  
42 being superintendent, that was even disallowed. And I  
43 understand even in the Yakutat area where they used to have  
44 access with airplanes because of a safety problem down there,  
45 that has been disallowed since then. So there isn't any  
46 airplane hunting in the hard park area, in Wrangell-St. Elias,  
47 there is in the preserve. But not in the hard park. So people  
48 that are hunting over there are using ground transportation.  
49 And I realize that there's a lot of people that feel newcomers  
50 to the area should not necessarily qualify, they feel that just

00177

1 the longtime user should qualify for the resources in there. I  
2 mean if that's the way people feel, we should try to workout  
3 some kind of a system that's at least halfway equitable to  
4 people, you know, so -- so what the SRC is fearful of, if it  
5 gets too restrictive just by attrition, there's not going to be  
6 anymore usage of that park. So we -- the SRC, the majority of  
7 the members on the SRC are wanting to keep it open someday for  
8 people in the future to continue using that resource over  
9 there.

10  
11 NPS has just come out with a draft rulemaking -- and I  
12 shouldn't say, just came out, because that paper's been out for  
13 probably over a year now. But people are just starting to get  
14 -- they're just starting to comment on it. But you don't have  
15 to read very far in that document to realize that it's more  
16 restrictions. It's another layer of restrictions for the usage  
17 of the park. And you know, I'm not saying that it's all  
18 unnecessary because it isn't. They have some legitimate  
19 concerns there that need to be addressed. But a lot of it is  
20 just undue regulations for people that can hunt down there  
21 another hoop to jump through to try to harvest the resource  
22 down there.

23  
24 So I don't know, I just wanted to come here and tell  
25 you how I felt and how our Upper Tanana advisory committee felt  
26 and I know the majority of the Wrangell SRC feels this way  
27 also.

28  
29 Thank you. And I'd be happy to answer any questions if  
30 there are any.

31  
32 CHAIRMAN EWAN: Thank you, Frank. Since you mentioned  
33 that I was at that joint meeting -- committee meeting in  
34 Fairbanks, it's true. I did not make comments about Tok, maybe  
35 kind of general, but I didn't say -- I didn't take a position  
36 one way or the other. I mentioned yesterday when we were  
37 discussing, I believe, the goats and bears, that I felt the Tok  
38 area, the Upper Tanana Regional Advisory Council there -- or  
39 Eastern Interior, I mean, was divided. That's what it appears  
40 to me. You sent a representative to represent your area and he  
41 takes kind of a different position that you're taking today.  
42 So it seems to me like there's -- there has to be something  
43 worked out up there. That's the comment I made yesterday. I  
44 just want to clarify what I meant by that.

45  
46 What I heard from this guy that represented you people  
47 up there and what I'm hearing from you and I heard from you in  
48 the past is -- were a little different. Who do you listen to,  
49 I don't know? You sent a representative -- I don't know who  
50 sent the representative or who picked him, but I would think if

00178

1 I sent somebody from this Council, they would be representing  
2 the views of the Council, the whole Council, the way I see  
3 that. I just want you to know clearly that I felt that there  
4 was a problem there and that I was aware of that.

5

6 MR. ENTSMINGER: Mr. Chair, I wasn't really trying to  
7 point any fingers.....

8

9 CHAIRMAN EWAN: Yeah.

10

11 MR. ENTSMINGER: .....at anybody. But you know, Chuck  
12 Miller's from Dot Lake and their ancestry goes a long ways  
13 back. There's a lot of the people up there that are related to  
14 people from Batnulnetas and what not. And in the past, I know  
15 they've used the Wrangell area, you know, probably quite  
16 extensively you know. Dot Lake, because of regulation has been  
17 excluded from that park, they've never been able to hunt that  
18 park ever since it was started, ever since its inception as are  
19 a lot of the other Upper Tanana communities. Tok was able to  
20 use it a little bit for a couple of years and then that was  
21 terminated also.

22

23 But I don't know, I just felt that we needed a broader  
24 base of representation from up there to express our views.  
25 Basically Chuck, he participates in our advisory committee  
26 meetings as much as possible, but I don't think Chuck had full  
27 understanding of what goes on in Wrangell-St. Elias down there.  
28 And I guess that was my -- hang-up that I had, problem that I  
29 had with it.

30

31 CHAIRMAN EWAN: Thank you. Fred?

32

33 MR. JOHN: We had a representative from Tok that didn't  
34 show up at this thing and then another one from Northway didn't  
35 show up up there. So it was -- Roy and I were up there and I  
36 thought we had a pretty good discussion up there. And what we  
37 brought up was we'd like to open it up, but mostly we'd like to  
38 see, you know, like in Dot Lake, we kind of went for the  
39 Village of Dot Lake because we don't know anything about Dry  
40 Creek and them other areas, you know. I'm not going to vote on  
41 the whole 20(D) or something without any input from another  
42 area. I know Dot Lake, I think they should be -- like you  
43 said, I think they should be able to hunt at that national  
44 park. And I believe that's going to open the door for other  
45 areas like Tok, Tanacross and Northway, they should be able to  
46 hunt. But I think that's pretty -- I think we did pretty good  
47 down here.

48

49 MR. ENTSMINGER: Yes, Mr. Chair, Freddy, I -- you know,  
50 I agree with you there. Actually the intent is not to open it

00179

1 up for everybody and their brother, but when the Federal Board  
2 -- if the Federal Board, you know, takes a recommendation and  
3 decides to disallow c&t use in the Upper Tanana, I mean what  
4 does that mean? That means you don't have a c&t use. And the  
5 national -- I know for a fact that the National Park Service  
6 says, if you don't have a c&t use, you're not going to be  
7 hunting down there. You can have a valid 1344 in your  
8 possession, but if you're disallowed your c&t usage, that  
9 permit is not worth the paper it's written on.

10  
11 It happened in Valdez. There was some people in Valdez  
12 that had 1344s and as soon as Valdez was designated as non-  
13 rural and they lost their c&t determination, their permits, you  
14 know, expired, you know, that was the end of it.

15  
16 CHAIRMAN EWAN: Since Frank mentioned, if you're in a  
17 resident zone and you didn't get a positive c&t determination,  
18 you're not eligible, could somebody from the Park Service  
19 comment on that?

20  
21 MR. ENTSMINGER: Yeah. I would also like to have  
22 somebody up there commenting.

23  
24 CHAIRMAN EWAN: I thought I understood that a little  
25 different than the way you stated it. I don't know, I want to  
26 clarify that up.

27  
28 MR. ENTSMINGER: I wish Jay Wells was here from  
29 Wrangell-St. Elias.

30  
31 MR. TWITCHELL: Hollis Twitchell from Denali National  
32 Park. The resident zone concept is simply to identify those  
33 eligible users. And that's based upon the community as a whole  
34 customary and traditional use pattern of using resources from  
35 in the park areas. The use of a particular species though is  
36 identified through the Federal Subsistence Board through the  
37 process you're going through in determining whether a specie  
38 was a customary and traditionally used specie. And then what  
39 communities or areas were utilizing that resource. So that  
40 determination from the Federal Subsistence Board will guide  
41 which species would be harvested in the park areas as well.

42  
43 CHAIRMAN EWAN: Okay, thank you very much. Okay, do  
44 you agree with what he's saying Frank?

45  
46 MR. ENTSMINGER: Yes. In other words, you know, if a  
47 community -- if the Board feels a community doesn't have a c&t  
48 determination.....

49  
50 CHAIRMAN EWAN: For a species, not.....

00180

1 MR. ENTSMINGER: .....for a species.....

2

3 CHAIRMAN EWAN: Right. Okay, I guess Helga has a  
4 comment.

5

6 MS. EAKON: Thank you, Mr. Chair. I just want to  
7 clarify for the attendees at this meeting and for Mr.  
8 Entsminger, that the joint work session of the Southcentral  
9 Regional Council and the Eastern Interior Regional Council was  
10 just that, a work session. It was not open to the public.  
11 This is the first time that the members of both Regional  
12 Councils had come together, introduce themselves to each other  
13 to talk about this area where they live. And I'm going to read  
14 to you a cover letter from Tom Boyd who heads our office, the  
15 Office of Subsistence Management regarding this work session.

16

17 CHAIRMAN EWAN: I want to thank Ralph for filling in  
18 for me this morning and I'm sorry your child had a problem. I  
19 hope everything turns out.

20

21 MR. LOHSE: I should be back after lunch.

22

23 CHAIRMAN EWAN: All right. Thank you, Ralph. Go  
24 ahead, Helga.

25

26 MS. EAKON: As stated by Mr. Boyd, the purpose of this  
27 meeting was to provide for early information exchange and  
28 discussion between members of the Eastern Interior and  
29 Southcentral Regional Councils who are jointly effected by  
30 several proposals. The background of materials provided for  
31 discussion by the members is the same material provided for the  
32 upcoming Regional Council meetings. The Council members  
33 participated as individuals, asking questions of the Board's  
34 Staff, exchanging their individual views and personal  
35 knowledge. As a result of these discussions, it is hoped that  
36 the full Regional Councils, acting in public session during the  
37 coming weeks would be able to act with better understanding of  
38 the proposals, the information basis, and the implications of  
39 the preliminary conclusions in the Staff analysis. The  
40 discussion among the Regional Council members and their points  
41 of tentative agreement have no standing as decisions or  
42 recommendations by the Councils. Each of the proposals in  
43 question is scheduled for full review and deliberation by the  
44 whole Regional Council during upcoming meetings. I want to  
45 express my appreciation to the Regional Council members and the  
46 Board's Staff who have taken the special interest and made the  
47 extra effort on behalf of the subsistence users of these  
48 communities.

49

50 MR. ENTSMINGER: Thank you, Helga, I'm glad to hear

00181

1 that.

2

3 CHAIRMAN EWAN: The letter she's referring to and  
4 comments that were made -- some of the comments that were  
5 made.....

6

7 MR. ENTSMINGER: Just briefly Mr. Chair.

8

9 CHAIRMAN EWAN: Okay, just what you -- okay, is that  
10 it, Frank? Any questions of Frank while he's here? If not,  
11 thank you very much, Frank.

12

13 MR. ENTSMINGER: Thank you.

14

15 CHAIRMAN EWAN: Are we -- do you want to recess or have  
16 a break? Ten minute recess.

17

18 (Off record)

19 (On record)

20

21 CHAIRMAN EWAN: Okay, if everybody will take their  
22 seats, I'll call the meeting back to order. The next item on  
23 the agenda, I believe, is Proposal 28. And I'll turn it over  
24 to Staff here, Bob.

25

26 MR. WILLIS: Thank you, Mr. Chair. Proposal 28 was  
27 submitted by the Copper River Native Association. It would  
28 create a permanent harvest quota of caribou in Unit 13 for  
29 Native elders, age 60 or older of the communities, Cantwell,  
30 Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta  
31 and Tazlina. As we read this proposal, the purpose is to  
32 ensure that the elders in this effected area can get Federal  
33 registration permits for caribou each year without having to go  
34 through the application process.

35

36 Currently the Federal subsistence regulation allowed  
37 the harvest of two caribou of either sex and the season runs  
38 from August 10 to September 30 and then from October 21 through  
39 March 21. The caribou herds that we're dealing with are the  
40 ones we discussed earlier when we talked about the designated  
41 hunter proposal, that is the Nelchina herd and the Mentasta  
42 herds. As we said, the Nelchina herd is quite large, over  
43 50,000 animals. Regulations are being liberalized and attempts  
44 made to harvest more of those animals at the present time. And  
45 we have an 804 process with the limited number of permits  
46 available for the Mentasta herd.

47

48 The problem we ran into with this proposal is the fact  
49 that it seems to be an 804 proposal -- or request based on 804,  
50 that is, a shortage of resources and we don't have an 804

00182

1 situation in that unit for caribou. In order to invoke 804,  
2 which allows one group of subsistence users to have priority  
3 over another group of subsistence users, you have to have a  
4 shortage of resources and we simply don't have that with  
5 caribou in Unit 13. And even if we did have a shortage under  
6 Section 804, it specifies quite clearly that, and I quote,  
7 "priority of use will be based on customary and direct dependence  
8 on the populations as the mainstay of livelihood, local  
9 residency and the availability of alternative resources." It's  
10 not based on tribal affiliation as was requested in this  
11 proposal. We're not sure that we're attacking the problem here  
12 with this proposal since there is no shortage of caribou, it  
13 would appear -- and permits are readily available, it appears  
14 that the problem is getting the permits to the elders and  
15 making sure that they can get the permit and don't have to  
16 travel or to fill out paperwork for it.

17  
18 With that in mind we've started looking at some  
19 alternative ways that we can work administratively to make it  
20 easier to get these permits into the right people's hands since  
21 there is no shortage of them. And you know, that's our reading  
22 of this proposal. If there is anything anybody wanted to add  
23 to that we would be glad to hear it. As it's written, we have  
24 to recommend that it be rejected.

25  
26 CHAIRMAN EWAN: Okay, thank you. Is that all for the  
27 agency comments?

28  
29 MR. WILLIS: Yes.

30  
31 CHAIRMAN EWAN: Okay. Public comment by written  
32 comments, Helga.

33  
34 MS. EAKON: Yes, Mr. Chair, we received one comment and  
35 that was from the Alaska Department of Fish and Game. I'm  
36 going to go ahead and read it in full because the same comment  
37 applies to Proposal 29.

38  
39 Do not support the request for a permanent harvest  
40 quota of caribou and moose for elderly Alaska Native  
41 subsistence users. It raises significant problems under  
42 ANILCA, which specifically protects the subsistence uses of all  
43 rural residents of Alaska, both Native and non-Native.  
44 Consequently, it would not be permissible to have a quota  
45 implemented which restricted eligibility to those with tribal  
46 membership. This proposal would improperly allocate and  
47 prioritize harvest among subsistence users before there is any  
48 shortage justifying the action and without applying the ANILCA  
49 Section 804 priority criteria. The apparent concern reflected  
50 in this proposal for providing harvest opportunities for the

00183

1 elderly community residents would seem to be satisfied by  
2 adoption of the designated hunter option. End of comment.

3  
4 CHAIRMAN EWAN: That is it?

5  
6 MS. EAKON: Um-hum. (Affirmative)

7  
8 CHAIRMAN EWAN: Thank you. The next part in this  
9 process is for the public to comment. If there's anybody from  
10 the public that want to comment on this proposal. Yes, Gloria.

11  
12 MS. STICKWAN: I think there was an error in the way I  
13 wrote this proposal. But I think there may -- the way it's  
14 written, you know, it says that we want a special hunt and that  
15 804 has to be enforced, I think there's a way that it could be  
16 amended maybe so that we could have a hunt for our elders, that  
17 was the intent of our proposal. That's what the villages  
18 wanted -- see our Native right is have a hunt for them so they  
19 wouldn't have to go to BLM and -- you know, to get these  
20 permits every year, we wanted to have a hunt so that it could  
21 be given to them, I mean they wouldn't have to apply ever year  
22 and that the village council would administer these to them.  
23 That was the intent. I don't know if it could be worked out.

24  
25 CHAIRMAN EWAN: Do you kind of agree with the Staff in  
26 their comment? They said that there has to be a situation  
27 where you would implement 804 where there has to be a shortage  
28 and you'd have to restrict the number of users, as you propose  
29 it, I believe, isn't that what he said? I'm sorry if I stated  
30 it wrong.

31  
32 MR. WILLIS: Yeah, that's it.

33  
34 CHAIRMAN EWAN: Do you know what I'm saying, Gloria?  
35 There has to be a shortage, there has to be a reason.

36  
37 MS. STICKWAN: Yeah, I understand that.

38  
39 CHAIRMAN EWAN: Yeah, to implement the 804.

40  
41 MS. STICKWAN: Yeah, I know.

42  
43 CHAIRMAN EWAN: And that's what you're asking to do  
44 here pretty much in your proposal.

45  
46 MS. STICKWAN: Um-hum. (Affirmative)

47  
48 CHAIRMAN EWAN: But you're saying you want to amend  
49 this.

50



00184

1 MS. STICKWAN: I'm wondering if it could be amended so  
2 that somehow we could pass this proposal with somehow being  
3 amended. I'm not sure how to do that.

4  
5 CHAIRMAN EWAN: I'm not sure myself. Any Council  
6 members have any question or comment? Yes Gloria.

7  
8 MS. STICKWAN: I just wanted to state one more thing.  
9 We wanted an open hunt and have a limited entry permit, that  
10 was our position.

11  
12 CHAIRMAN EWAN: For the?

13  
14 MS. STICKWAN: For the caribou.

15  
16 CHAIRMAN EWAN: Caribou.

17  
18 MS. STICKWAN: For our elders. It's for our elders  
19 only.

20  
21 CHAIRMAN EWAN: Anybody have a question or a comment  
22 about that?

23  
24 MR. WILLIS: There was nothing in the proposal about  
25 creating a different hunt other than, you know, what exists in  
26 regulation. As I said, there's currently a long season, it  
27 runs all the way into March and a two caribou per person limit  
28 and no shortage of permits. And as we read the proposal, it  
29 was a problem of simply one of getting the permits into the  
30 hands of the elders. We think we can do that administratively  
31 so we can avoid the elders having to travel to the one --  
32 actually I think we have only one point of issuance of permits  
33 now in that area and there are other ways that we're looking at  
34 to get around this. In fact, we have Mike Coffeen here from  
35 BLM, he and I discussed this earlier yesterday to see what we  
36 could do as far as accommodating the elders who are -- who  
37 didn't travel or didn't want to travel or didn't understand how  
38 to fill out the permits.

39  
40 There's nothing in the proposal about a special hunting  
41 season or harvest limit for elders, it just deals with a quota  
42 of permits. There is no shortage of permits for all of them.  
43 It's just a matter of getting them delivered as we understand  
44 the problem.

45  
46 MS. STICKWAN: Yes. That's the reason for it, a way  
47 for them to -- you know, so they wouldn't have to go to the BLM  
48 of wherever to get their permits, that they could be  
49 automatically given a permit because they're.....

50

00185

1           CHAIRMAN EWAN: I want to make sure we agree here. Bob  
2 is saying he thinks that he can fix this administratively, the  
3 agency. And I just want to be sure he's speaking about what  
4 you're proposing, that elders get kind of like a permanent  
5 permit, rather than going to the agency every year. It's a  
6 hardship, say like if you're coming from Mentasta to Glennallen  
7 when you want to hunt right around Mentasta, it's a cost, time  
8 consuming for elders that -- they think that they should have  
9 like a permanent license like State has for the elders, I  
10 believe after a certain age they get a license and they don't  
11 have to go apply for it anymore.

12  
13           MR. WILLIS: That's what we're working on. That was  
14 our understanding of this request. And we're currently looking  
15 at a couple of options, possibly mailing permits to all the  
16 people who have a permanent hunting license. Or Mike and I  
17 discussed the possibility of having BLM personnel go to the  
18 villages on certain times, certain day, you know, advertise in  
19 advance that we're going to be there to distribute the permits.  
20 So we're in the process of working on these things, we don't  
21 know yet exactly what we can do. But certainly we could -- I  
22 think we can do a better job or make it easier to distribute --  
23 to get these permits than we have in the past.

24  
25           MS. STICKWAN: Village councils are the good -- they  
26 would be good to work with because they know their elders.

27  
28           CHAIRMAN EWAN: Gary, did you have a question of  
29 Gloria?

30  
31           MR. OSKOLKOFF: Well, more or less a comment. I had  
32 hoped that when Gloria came up that she would have an amendment  
33 that would get us through some of the legal intricacies that  
34 have been brought up by Robert.

35  
36           MS. STICKWAN: Well, I don't really know how to amend  
37 it, that's why I.....

38  
39           MR. OSKOLKOFF: And that's what I wanted to say, too,  
40 is that I reread these Proposals 28 and 29 just before the  
41 break and I've been thinking about them but I can't think of a  
42 way to navigate that and still solve that problem. But I do  
43 think that the -- or deal with this proposal the way it's  
44 structured. But I do -- did want to say that we tried to and  
45 are trying to get a similar type system in Ninilchik and in  
46 other areas in which the Federal government can work  
47 cooperatively with the government in the area, be it, city or  
48 in our case a traditional council, to essentially be the outlet  
49 so that there aren't -- there aren't some of the difficulties,  
50 at least, that you have in acquiring the permit. And I realize

00186

1 that there are certain things that perhaps they can let us or  
2 some other organization do and certain things that they have to  
3 reserve for themselves as far as -- you know, what those are, I  
4 don't really know.

5  
6 But I'm hoping that statewide we can workout a system  
7 to where it would be a little easier. And I think the concept  
8 of -- particularly for the elders of being able to get a  
9 permit, something that doesn't have to be renewed on an annual  
10 basis would go a long ways to help.

11  
12 But I just wanted to say I couldn't -- I couldn't come  
13 up with an amendment myself and I was hoping that there was  
14 some one.....

15  
16 CHAIRMAN EWAN: What about the possibility of just  
17 rejecting these proposals.....

18  
19 MS. STICKWAN: Under the -- making an amendment?

20  
21 CHAIRMAN EWAN: .....and just directing the Staff to  
22 try to fix this administratively. We will.....

23  
24 MS. STICKWAN: Can I state something?

25  
26 CHAIRMAN EWAN: .....you know, make some more comments  
27 direct from the Council. Would that be the direction to go?

28  
29 MS. STICKWAN: Yeah. Under the State we have -- we are  
30 now issuing our fish wheel permits for our elder -- for our  
31 villages. They have just passed that and it's a village  
32 council or some other similarly organization like CRNA that  
33 could issue these permits for their villages -- village  
34 members. That was recently passed and it's being done under  
35 the State.

36  
37 MR. WILLIS: As I said, Roy, there are a number of  
38 options that we're looking at as we speak. And we have some  
39 requirements and reporting requirements, some signitor  
40 requirements, you know, that -- this is a Federal permit.....

41  
42 MS. STICKWAN: She wants a commitment from you.

43  
44 MR. WILLIS: .....we need reporting every year. And so  
45 it's not something you could issue like a permanent ID card  
46 where you do it one time and then, you know, it never happens  
47 again. But as was requested here, having a quota or number,  
48 being sure that the elders get these permits every year, I  
49 think we can accommodate that without having to put something  
50 in regulation.

00187

1           The State's comments about he designated hunter  
2 proposal were also well taken, that this is another  
3 opportunity. And Mike Coffeen of BLM has told me that he has  
4 some of the designated hunters come in with the elder that they  
5 are going to be hunting for to get designated hunter permits,  
6 so this is another opportunity to make sure that the elders are  
7 taken care of in that respect.

8  
9           CHAIRMAN EWAN: Okay, any other questions or comments?  
10 We have to deal with these proposals procedure wise, one at a  
11 time, so we'll get to 29 too, I guess even if they deal with  
12 the same issue, unless we can combine them. We can combine  
13 them, too, right?

14  
15           MR. WILLIS: Procedurally I imagine you would have to  
16 make a motion on each proposal. The situation is the same,  
17 both of the proposals are identical except one deals with  
18 caribou and the other was moose. And so all that would be  
19 required, I would think would be when we bring up Proposal 29,  
20 to make a motion to the same effect.

21  
22           CHAIRMAN EWAN: Okay, thank you Gloria. The agency  
23 comments?

24  
25           MS. ANDREWS: Thank you, Mr. Chair.

26  
27           CHAIRMAN EWAN: Good morning.

28  
29           MS. ANDREWS: And we don't have any additional  
30 comments.

31  
32           CHAIRMAN EWAN: All right. Now, we're down to the  
33 Regional Council deliberation, recommendations. Oh, we have an  
34 agency comment out here, sorry there I didn't see that, Hollis.

35  
36           MR. TWITCHELL: Hollis Twitchell, Denali. It's a  
37 little easier situation for Denali than I think it would be for  
38 the BLM. We deal primarily with the village of Cantwell in  
39 issuing caribou and moose permits, in which case we announce  
40 ahead of time we will go to the community and we spend a day in  
41 the community actually issuing the permits. And then, of  
42 course, our office is just about a 40 minute drive from  
43 Cantwell, so we're probably a little more accessible to the  
44 community than other areas to the east of us. But that seems  
45 to have been working pretty well locally for us. It might be  
46 much more difficult for agencies that have many communities to  
47 deal with. But that's how it's done in the Denali area.

48  
49           CHAIRMAN EWAN: Okay, thank you for your comment. I'll  
50 entertain a motion to adopt Proposal 28 for discussion

00188

1 purposes.

2

3 MR. JOHN: I'll make the motion.

4

5 CHAIRMAN EWAN: There's a motion. Is there a second?

6

7 MR. OSKOLKOFF: Second.

8

9 CHAIRMAN EWAN: There's a motion and a second that we  
10 adopt Proposal 28. Any further discussion on the proposal?  
11 Comments?

12

13 MR. JOHN: I just want to make a motion we adopt  
14 Proposal 28.

15

16 CHAIRMAN EWAN: For discussion purposes?

17

18 MR. JOHN: Um-hum. (Affirmative)

19

20 CHAIRMAN EWAN: Any comments? Myself, if -- Gloria  
21 kind of agrees that we ought to just reject this proposal and  
22 try to direct Staff to do what the villages want to do. Maybe  
23 that, if the Council agrees, I don't know I don't know what  
24 your thoughts are, I can't read your thoughts, so I would like  
25 to have your comments before we take a vote here.

26

27 MR. OSKOLKOFF: Mr. Chairman?

28

29 CHAIRMAN EWAN: Yes.

30

31 MR. OSKOLKOFF: If I could, I also agree that I think  
32 there is a problem that is -- that we're trying to address  
33 through this proposal -- that Copper River was trying to  
34 address through this proposal, I don't know that we've -- that  
35 we have a solution here, therefore, I'll have to vote to  
36 reject, but I think it's something that bears more study. And  
37 I would like to see also -- to mirror my comments from before,  
38 a proposal which could be uniformly applied across, at least,  
39 our areas, if not across the State so that we're working under  
40 a similar system.

41

42 CHAIRMAN EWAN: Ben, you were going to say something?

43

44 MR. ROMIG: Well, Mr. Chairman, I just wanted to say  
45 that, you know, there's two caribou now by permit and I agree  
46 with Gary and yourself, you know, as far as getting something  
47 statewide and getting some kind of an easier method for these  
48 older people to get their permits. But as far as, you know,  
49 giving them an exclusive quota right now, I think that would  
50 fall under 804 if that happened to be the case. So I'd have to

00189

1 vote against this proposal.

2  
3 CHAIRMAN EWAN: Comments?

4  
5 MR. DEMENTI: I also agree with them.

6  
7 CHAIRMAN EWAN: Fred, comment? Are we ready to vote on  
8 804 -- 804, I mean Proposal 28?

9  
10 MR. OSKOLKOFF: Question.

11  
12 CHAIRMAN EWAN: Question's called for. All in favor  
13 say aye.

14  
15 (No aye votes)

16  
17 CHAIRMAN EWAN: Opposed by the same sign.

18  
19 IN UNISON: Aye.

20  
21 CHAIRMAN EWAN: Proposal 28 has been rejected. We'll  
22 go to Proposal 29 now. Bob.

23  
24 MR. WILLIS: Proposal 29 is exactly the same situation,  
25 Mr. Chair, except that it deals with moose. So our  
26 recommendation is to reject this proposal also and we will  
27 proceed with our efforts to make it easier to get these permits  
28 into the hands of the elders administratively.

29  
30 CHAIRMAN EWAN: Thank you. Do we have any written  
31 comments, Helga?

32  
33 MS. EAKON: Yes. We received one comment from the  
34 Alaska Department of Fish and Game and that was the comment I  
35 read for Proposal 28, it applies for 29.

36  
37 CHAIRMAN EWAN: Thank you. The next order would be to  
38 open it to the public for comment. Gloria, do you want to talk  
39 on 29 now or are you done? Thank you. We'll get down to the  
40 agency comments. There's no comments from any agency? We  
41 already had some on the 28, this 29 proposal is similar except  
42 it's for moose rather than caribou. We'll go on to Regional  
43 Council deliberations, recommendations.

44  
45 MR. WILLIS: Mr. Chair, excuse me, I just found  
46 something in here that I did want to bring to the Council's  
47 attention. In studying the moose regulation, we found an old  
48 artifact that was still in there from when the Federal program  
49 began in 1990. I believe a limit of one permit per household  
50 for moose, that was adopted from the State in 1990 and the very

00190

1 same year the State dropped it from their regulation. And  
2 there's no reason for that to continue to be in Federal  
3 regulation and so we're going to recommend that that be  
4 eliminated, that limit of one permit per household.  
5

6 I don't know that that -- well, I was going to mention  
7 it and I don't know that we need to do it as an amendment to  
8 this proposal. We can probably do that at another meeting of  
9 the Board. I'm not sure exactly how to handle that and there  
10 hasn't been time to discuss it with any of our management  
11 people.  
12

13 CHAIRMAN EWAN: Is everybody clear about what Bob just  
14 mentioned? I'm not sure either. Could you repeat it for me  
15 about the present regulation, how they read and what we should  
16 try to fix sometime in the future?  
17

18 MR. WILLIS: The present regulation simply has a limit  
19 of one moose permit per household that has been there since  
20 1990, there's no reason for that. You know, the State has  
21 dropped it and so our regulations are currently more  
22 restrictive than there is in that respect. So we were going to  
23 recommend doing away with that and I'm looking for a mechanism  
24 to do that. I wanted to bring it to your attention and what  
25 I.....  
26

27 CHAIRMAN EWAN: What could be the alternative, I mean,  
28 how would you.....  
29

30 MR. WILLIS: I'm sorry, say.....  
31

32 CHAIRMAN EWAN: .....if you don't have one per  
33 household and one per person or.....  
34

35 MR. WILLIS: Right.  
36

37 CHAIRMAN EWAN: Okay, that's what I was trying to  
38 clarify, thank you.  
39

40 MR. ROMIG: I move to adopt Proposal 29.  
41

42 CHAIRMAN EWAN: There's a motion to adopt Proposal 29.  
43 Is there a second.  
44

45 MR. OSKOLKOFF: Second.  
46

47 CHAIRMAN EWAN: There's a motion and second. Any  
48 further discussion on Proposal 29?  
49

50 MR. ROMIG: I'd like to amend Proposal 29.

00191

1 CHAIRMAN EWAN: Yes, go ahead.

2

3 MR. ROMIG: I'd like to delete the last section that  
4 says only one permit will be issued per household.

5

6 MR. OSKOLKOFF: Second.

7

8 CHAIRMAN EWAN: There's a second to amend Proposal 29  
9 to delete the section that says, only one permit will be issued  
10 per household; is that correct?

11

12 MR. ROMIG: Yes.

13

14 CHAIRMAN EWAN: Any further discussion on the  
15 amendment?

16

17 MR. WILLIS: Mr. Chair, I'm not sure how to proceed  
18 here administratively, pardon me for the interruption, but I'd  
19 be very careful in your language here that you don't  
20 inadvertently adopt the entire proposal with an amendment.  
21 We've got our regulation specialist hanging over my shoulder  
22 here.....

23

24 CHAIRMAN EWAN: I'm aware of that problem and we're  
25 trying to figure out how we're going to do this here.

26

27 MR. WILLIS: .....let me consult with him.

28

29 MR. ROMIG: Maybe we vote on the amendment first?

30

31 MR. OSKOLKOFF: Yeah, we just vote on the amendment  
32 first and then we'll vote on the entire proposal so we can  
33 amend later if we need to, you know, if there's somebody else  
34 ready to change it so we won't be adopting the entire proposal  
35 when we vote on the amendment.

36

37 CHAIRMAN EWAN: Okay.

38

39 MR. WILLIS: I believe.....

40

41 CHAIRMAN EWAN: I hope you know how to do that, I'm  
42 very.....

43

44 MR. WILLIS: Okay, Bill has the answer for us, I knew  
45 we paid him a salary for some reason. He recommends rejecting  
46 the proposal, then making a motion to change the existing  
47 regulation to delete that language. So the first think you  
48 would need to do would be to reject the proposal -- Proposal  
49 29, then you would make a motion to modify the language of the  
50 existing regulation to delete that language.



00192

1 MR. ROMIG: I withdraw my amendment.

2

3 MR. OSKOLKOFF: I'll withdraw the second.

4

5 CHAIRMAN EWAN: Okay, the second and the motion maker  
6 withdrew their motion and second. So we're back on the main  
7 proposal, 29, without any amendment.

8

9 MR. OSKOLKOFF: Call for the question.

10

11 CHAIRMAN EWAN: Question's called for. All in favor of  
12 adopting Proposal 29 say aye.

13

14 (No aye votes)

15

16 CHAIRMAN EWAN: Opposed by the same sign?

17

18 IN UNISON: Aye.

19

20 CHAIRMAN EWAN: Motion is not carried. Proposal 29 is  
21 rejected. Now, I guess if we want to follow-up on the Staff  
22 recommendation that we make a separate motion here to deal with  
23 the issue that we wanted to solve earlier, pass a motion, would  
24 that be enough at this point, without discussion from the  
25 public or comments or anything?

26

27 MR. WILLIS: I would think so. You can call for  
28 comments, you know, on this if you'd like.

29

30 CHAIRMAN EWAN: Okay, I'll entertain a motion.

31

32 MR. ROMIG: I'll move to -- let's see we want to move  
33 to change the existing regulation.

34

35 CHAIRMAN EWAN: Okay. The motion is to change the  
36 existing regulation to delete that portion that says, only one  
37 permit will be issued per household. We're not specifying how  
38 it will be changed, we just want it changed -- is that  
39 adequate?

40

41 MR. OSKOLKOFF: Second.

42

43 CHAIRMAN EWAN: There's a second. Any further  
44 discussion on the motion? Any comments from the public that  
45 they want to comment right now because this was not one of the  
46 proposals? I just want to give the agencies, anybody who wants  
47 to comment on this a chance? If not, we'll -- no comments?  
48 Further comments on the motion? Are you ready to vote on the  
49 motion?

50

00193

1 MR. OSKOLKOFF: Question.

2

3 CHAIRMAN EWAN: Question's called for. All in favor  
4 say aye.

5

6 IN UNISON: Aye.

7

8 CHAIRMAN EWAN: Opposed by the same sign.

9

10 (No opposing votes)

11

12 CHAIRMAN EWAN: Motion is carried. Okay, we're going  
13 on to Proposal 30.

14

15 MS. MASON: Thank you, Mr. Chairman. Proposal 30 is a  
16 customary and traditional proposal and it requests a positive  
17 c&t determination for grouse and ptarmigan for residents of  
18 Unit 12 in Unit 11. So the purpose of the proposal was to give  
19 the people in Unit 12 c&t in Unit 11 and this is something that  
20 was brought up yesterday by Ralph, that there -- it's ironic, I  
21 guess, to give people in Unit 12 c&t in Unit 11 when people in  
22 Unit 12 don't have c&t for ptarmigan in their own area.

23

24 But the request isn't for a change in the regulation  
25 for Unit 12, it's only for Unit 11. And the current c&t  
26 determination in Unit 11 for grouse and ptarmigan is very  
27 broad. It has rural residents of a number of units other than  
28 Unit 12, which is their neighboring unit. The current c&t for  
29 11 includes rural residents of Unit 11, 13 and the residents of  
30 Chickaloon, 15, 16, 20(D), 22 and 23. So it's a really broad  
31 determination, but it doesn't include 12.

32

33 The use pattern for ptarmigan seems to be that along  
34 with other small wildlife, it has often played an important  
35 role as an emergency food or a -- something to use when other  
36 resources are in short supply. So the harvest of wildlife such  
37 as grouse and ptarmigan tend to vary from year to year. Some  
38 years there's much more interest in getting ptarmigan and  
39 grouse than others. And it also appears that they are  
40 frequently harvested in conjunction with hunting for other  
41 species that people might happen to harvest grouse and  
42 ptarmigan while they are hunting something else. It tends to  
43 be, though, hunted close to home. Often it's something that --  
44 it's the first that youngsters will learn how to hunt and so it  
45 tends to be close to home. And in regard to the communities in  
46 Unit 12, ptarmigan and grouse are part of a wide variety of  
47 resources that are used by those residents.

48

49 So our conclusion was to support the proposal with  
50 modification based on examination of the harvest -- documented

00194

1 harvest for ptarmigan and grouse. And that was to adopt the  
2 proposal with an amendment that would add the residents of Dot  
3 Lake to the proposal. So that the proposal should be amended  
4 to give a positive c&t determination for ptarmigan and grouse  
5 in Unit 11 to the residents of Unit 12 and the community of Dot  
6 Lake. The justification for that is that there's excellent  
7 evidence that the residents of Unit 12 have traditionally used  
8 ptarmigan and grouse. It appears that these species are  
9 usually harvested close to the hunters community, but there is  
10 more reason to support -- so there would be more reason to  
11 support a positive c&t within Unit 12 for those communities  
12 than there would be for Unit 11. But there doesn't seem to be  
13 any rationale behind excluding residents of Unit 12 from this  
14 very expansive c&t that exists for 11. And the reason for  
15 including Dot Lake is that there are many kinship and cultural  
16 ties to the Unit 12 communities of Northway, Tanacross and  
17 Tetlin.

18  
19 So that's the suggested amendment. The one other  
20 possible change would be to change the community of Dot Lake to  
21 the Native Village of Dot Lake and that was on the suggestion  
22 of one of the Eastern Interior Council members. That's the  
23 end.

24  
25 CHAIRMAN EWAN: All right. You heard the Staff  
26 recommendation, are there any questions? If not we'll go on to  
27 the next step and that is for summary of written comment.

28  
29 MS. EAKON: Thank you, Mr. Chair. We received three  
30 comments on Proposal 30. The Alaska Department of Fish and  
31 Game deferred their comments. The Wrangell-St. Elias National  
32 Park Subsistence Resource Commission supports an amended  
33 proposal which includes all rural residents of Units 11, 12, 13  
34 and Dot Lake. The Upper Tanana Fortymile Fish and Game  
35 Advisory Committee in Tok supports the proposal. They  
36 recommend that Upper Tanana residents be acknowledged and  
37 granted c&t use in Units 11, 12, 13, 20(D), 20(E), 25(B) and  
38 (C).

39  
40 CHAIRMAN EWAN: Could I ask why 13 was amended, it  
41 already has c&t for 13; isn't that correct?

42  
43 MS. MASON: Thirteen was not included in the proposal  
44 request.

45  
46 CHAIRMAN EWAN: But I'm.....

47  
48 MS. MASON: But it does already have c&t for that wide  
49 array of.....

50

00195

1 CHAIRMAN EWAN: Good, you answered my question.

2

3 MS. MASON: Okay.

4

5 CHAIRMAN EWAN: Comments from the public on the  
6 proposal?

7

8 MR. ENTSMINGER: Mr. Chairman?

9

10 CHAIRMAN EWAN: Yes, Frank.

11

12 MR. ENTSMINGER: Yes, Mr. Chair and Council members.  
13 You know, basically why we were asking for grouse and ptarmigan  
14 in Unit 11 is there's a lot of -- or quite a lot of hunting  
15 along the Nabesna Road. And portions of the Nabesna Road to  
16 the south are in Unit 11, it goes in and out of 12 and 11, but  
17 technically, if residents shot a ptarmigan or grouse in the  
18 park area down there, they could be cited by the Park Service  
19 because they didn't have a c&t usage of the species. So that's  
20 basically why we were asking for it.

21

22 CHAIRMAN EWAN: Is this satisfactory to you how it was  
23 recommended?

24

25 MR. ENTSMINGER: Yes. I guess it's -- yeah, sure,  
26 because I think Staff they're recommending that usage.

27

28 CHAIRMAN EWAN: Okay, thank you. Agency comments? No  
29 agency comments? All right, Council?

30

31 MR. OSKOLKOFF: Mr. Chairman, I'll move to adopt  
32 Proposal 30.

33

34 CHAIRMAN EWAN: There's a motion. Is there a second?

35

36 MR. ROMIG: I second it.

37

38 CHAIRMAN EWAN: There's a motion, seconded to adopt  
39 Proposal 30. As recommended?

40

41 MR. OSKOLKOFF: I think we'd have to make an amendment  
42 for it?

43

44 CHAIRMAN EWAN: The proposal is different than the  
45 recommendation right?

46

47 MS. MASON: To determine the difference between the  
48 recommendation and the proposal is that the recommendation is  
49 to add the community of Dot Lake.

50

00196

1 MR. OSKOLKOFF: Mr. Chairman, I'd like to move to amend  
2 to add the Native Village of Dot Lake.

3  
4 CHAIRMAN EWAN: There's a motion to amend the proposal  
5 to add the community of Dot Lake -- the Native Community of Dot  
6 Lake. Is there a second?

7  
8 MR. JOHN: Just a second, can I ask a question.

9  
10 CHAIRMAN EWAN: Do you want to second first and then  
11 we'll have it for discussion, this amendment?

12  
13 MR. JOHN: Is the recommendation for grouse in Unit 11  
14 for residents of Unit 12 and the Native Village of Dot Lake; is  
15 that what we're voting on?

16  
17 CHAIRMAN EWAN: We're voting -- we're discussing  
18 Proposal 29, as far as the communities, I believe Rachel could  
19 answer your question.

20  
21 MS. MASON: That was the Staff recommendation, was for  
22 the communities of Unit 12, plus Dot Lake. The proposal itself  
23 was for the Unit 12 residents in Unit 11.

24  
25 CHAIRMAN EWAN: Okay, there's a proposed amendment by  
26 Gary to include the Native Village of Dot Lake to Proposal 29.

27  
28 MR. OSKOLKOFF: Yes.

29  
30 CHAIRMAN EWAN: Is there a second? This is the way the  
31 -- okay, well, the motion dies then, there's no.....

32  
33 MR. JOHN: I just wanted to get the question straight  
34 in my mind.

35  
36 CHAIRMAN EWAN: Well, here's what you do, you second  
37 the motion and then we'll discuss it one way or the other.

38  
39 MR. JOHN: Okay, I second it.

40  
41 CHAIRMAN EWAN: You second the motion?

42  
43 MR. JOHN: I thought it was seconded already.

44  
45 CHAIRMAN EWAN: Okay, no. Okay, now you can discuss  
46 it, go ahead, Fred.

47  
48 MR. JOHN: Okay. The Staff recommend that there be c&t  
49 for grouse and ptarmigan in Unit 11 for residents of Unit 12  
50 and the Native Village of Dot Lake. I was just asking about

00197

1 these other units, 20(D), 23, 22 and 23?

2

3 CHAIRMAN EWAN: I believe those were deleted, right?

4

5 MR. JOHN: They're deleted, right?

6

7 MS. MASON: They were not part -- they were not part of  
8 this recommendation, only Dot Lake was the only community.....

9

10 CHAIRMAN EWAN: But they were part of Proposal 29?

11

12 MS. MASON: Right.

13

14 CHAIRMAN EWAN: Yeah. That's his question.

15

16 MS. MASON: Right.

17

18 CHAIRMAN EWAN: Does that answer your question?

19

20 MR. JOHN: I'd like to make an amendment that the  
21 residents of Unit 12 and the Native Village of Dot Lake be  
22 included in -- I mean to have c&t for grouse and ptarmigan in  
23 Unit 11.

24

25 CHAIRMAN EWAN: That is part of the proposal, that is  
26 part of the amended proposal that Gary and you just -- except  
27 you want to leave out 11 and.....

28

29 MR. JOHN: Myself, I don't even know where Unit 22 and  
30 23 is, to tell you the truth. I don't even.....

31

32 CHAIRMAN EWAN: Well, Fred, let me see if I can explain  
33 this to you, they are deleted, the other communities that you  
34 mentioned -- or the other units that you mentioned are  
35 deleted.....

36

37 MR. JOHN: Okay.

38

39 CHAIRMAN EWAN: .....in the recommendation. That's  
40 what.....

41

42 MS. MASON: No.

43

44 CHAIRMAN EWAN: They're not, no, they haven't, okay.  
45 Okay, you're right then Fred. So your amendment could be in  
46 order then. You want to amend how?

47

48 MR. JOHN: I'd like to follow the recommendation of the  
49 Staff.

50

00198

1 CHAIRMAN EWAN: Is there a second?

2

3 MR. OSKOLKOFF: I think that -- Mr. Chairman, we are  
4 following the recommendation of Staff currently.

5

6 CHAIRMAN EWAN: What -- but you just added Dot Lake,  
7 you didn't delete the other.....

8

9 MR. OSKOLKOFF: Correct. And neither did Staff as far  
10 as I know.

11

12 CHAIRMAN EWAN: In the recommendation they did.

13

14 MS. MASON: The recommendation of Staff was to add the  
15 village of Dot Lake, Gary changed it to the Native Village of  
16 Dot Lake, but essentially his amendment adds that village to  
17 what was already in the main proposal, which was Unit 12  
18 residents. The recommendation of Staff is to give positive c&t  
19 in Unit 11 to residents of Unit 12 plus the village of Dot Lake  
20 and that's pretty much what the proposal amendment that's  
21 already on the floor.

22

23 CHAIRMAN EWAN: So the recommendation does delete Unit  
24 20(D).....

25

26 MR. OSKOLKOFF: No.

27

28 MS. MASON: That was not part of the proposal.

29

30 CHAIRMAN EWAN: I'm sorry, am I looking at the wrong --  
31 it says, proposed regulation, Unit 13, grouse to residents of  
32 11, 12, 13 and residents of Chickaloon, 15, 16, 20(D), 22, 23  
33 and so on.

34

35 MS. MASON: Mr. Chairman, that's the current c&t. And  
36 the proposal was to add the residents of Unit 12 to all that  
37 array for Unit 11.

38

39 CHAIRMAN EWAN: Okay. You sorted it out for me then.

40

41 MS. MASON: Yeah, it would not delete.....

42

43 CHAIRMAN EWAN: You're not deleting any units?

44

45 MS. MASON: I'm not suggesting that.

46

47 CHAIRMAN EWAN: Okay, thank you.

48

49 MS. MASON: Yeah, in addition of those communities.

50

00199

1 CHAIRMAN EWAN: I'm confusing myself, sorry about that.  
2 So the proposed amendment with the main proposal is okay with  
3 you then, Fred?

4  
5 MS. MASON: Mr. Chairman, I just realized the source of  
6 the confusion is that Dot Lake is in 20(D), so there is no  
7 reason to add Dot Lake, it's already in.

8  
9 CHAIRMAN EWAN: Yeah, I just seen in your  
10 recommendation, you didn't mention the other units, that's why  
11 I'm confused here.

12  
13 MS. MASON: Yeah, I apologize. There is no reason to  
14 include the community of Dot Lake in the recommendation because  
15 it's already got c&t in Unit 11.

16  
17 MR. OSKOLKOFF: I'll withdraw the amendment, Mr.  
18 Chairman.

19  
20 CHAIRMAN EWAN: So we're back to the original proposal  
21 then?

22  
23 MR. OSKOLKOFF: All we're doing is adding 12 to  
24 everything else.

25  
26 MS. MASON: It's adding Unit 12 now is the only thing  
27 on the table.

28  
29 CHAIRMAN EWAN: So Fred should your motion be in order  
30 to add Unit 12 and the Native Village of Dot Lake that you  
31 proposed earlier?

32  
33 MR. JOHN: I mean I'll withdraw my proposal and that  
34 the residents of Unit 12, would that be in order?

35  
36 CHAIRMAN EWAN: Yes.

37  
38 MR. JOHN: Okay, I'll do that.

39  
40 CHAIRMAN EWAN: You make a motion to add Unit 12 and  
41 the Native Village of Dot Lake; that's what you said earlier,  
42 but just Unit 12 is all you're going to -- do you want to make  
43 a motion?

44  
45 MR. OSKOLKOFF: We don't need a motion. The proposal  
46 is to add -- everything else stays the same, we add Unit 12,  
47 because the amendment has been withdrawn, so we're just adding  
48 Unit 12 at this point, that is the proposal. So now, unless  
49 there are further amendments somebody wants to withdraw or add  
50 to that, we just simply need to pass Proposal 30.



00200

1 MR. ROMIG: Mr. Chairman, the only question I'd have  
2 about it is -- I mean not to make it anymore complicated, but  
3 you know, we got residents -- people from Unit 15 that have  
4 that customary and tradition all the way up in Unit 11 and then  
5 we have people in Unit 23, which is way up around Nome and  
6 stuff to have c&t down there, I don't necessarily want to  
7 delete them, but I just wonder if they'd really use those  
8 resources that much, customary and traditionally. Is there any  
9 reason to further amend it to delete them or just.....

10  
11 CHAIRMAN EWAN: Staff got a comment on that?

12  
13 MS. MASON: This wide expansive c&t, it exists in a  
14 number of units. And as you know, we're dealing with another  
15 one for Unit 15 that deals with this same issue, there's no  
16 reason to suspect that there is widespread travel from Unit 23,  
17 for example, to these units to harvest. Although I don't have  
18 harvest information by unit for those species, I don't think  
19 that it would cause anybody any grief if the c&t were made more  
20 restrictive.

21  
22 MR. ROMIG: I guess my question is more of an  
23 informational rather than an objection.

24  
25 MS. MASON: Um-hum. (Affirmative)

26  
27 CHAIRMAN EWAN: Okay, are we ready to vote on the  
28 proposal then? I just want to clarify for the people in the  
29 audience here what the confusion is. I read the recommendation  
30 and the proposal, they're a little bit different how they're  
31 worded, so that is the confusion. One, the recommendation was  
32 to approve, proposal should be amended to give positive and  
33 customary and traditional determination for ptarmigan and  
34 grouse in Unit 11 to residents of Unit 12 and the community of  
35 Dot Lake. But the proposal mentions all these other units that  
36 we're talking about here. That is what the confusion is from  
37 my standpoint and I just wanted you to understand.

38  
39 MR. OSKOLKOFF: I'll call for the question.

40  
41 CHAIRMAN EWAN: There's a question called for. The  
42 question is to approve Proposal 30, all in favor say aye.

43  
44 IN UNISON: Aye.

45  
46 CHAIRMAN EWAN: Opposed by same sign.

47  
48 (No opposing votes)

49  
50 CHAIRMAN EWAN: Motion is passed. Okay, we're ready to

00201

1 go to Proposal 31 then.

2

3 MR. WILLIS: Mr. Chair, Hollis Twitchell from Denali  
4 National Park will be presenting the analysis on Proposal 31.

5

6 CHAIRMAN EWAN: Hollis.

7

8 MR. TWITCHELL: Hollis Twitchell, Denali National Park.  
9 I was asked to present this proposal since it deals  
10 specifically with subsistence use within the park in the Denali  
11 area. Proposal 31 was submitted by Miki Collins in a request  
12 to change the wolf hunting seasons in 13, 16, 19 and 20. Those  
13 are all the units associated with Denali National Park and  
14 Preserve.

15

16 The proposal was to change the hunting season for  
17 wolves from the August 10th, April 30th period to the November  
18 1st, March 31st period. Miki Collins had submitted the  
19 proposal and then after referring to the minutes from the  
20 Subsistence Resource Commission meeting realized that she had  
21 overstated what the motion by the subsistence commission was  
22 and has sent in a modification to the initial proposal.  
23 Gilbert Dementi has a copy of the letter from Mike Collins  
24 which clarifies what the author and the commission's intent  
25 was.

26

27 Miki Collins requests that the proposal be considered  
28 for the change only to be applicable on park lands within  
29 wildlife Management Unit 20(C) and not to apply to 13, 16 or  
30 19. Also that the proposal is to apply only on national park  
31 lands and exclude the preserve lands which are also located in  
32 20(C).

33

34 CHAIRMAN EWAN: Is that it?

35

36 MR. TWITCHELL: That's correct.

37

38 CHAIRMAN EWAN: This is an area I'm not very familiar  
39 with, so I suppose, Gilbert do you have questions or comments  
40 here?

41

42 MR. DEMENTI: I'm not too familiar with Unit 20. But  
43 Unit 13(E), from what I understand is, they don't want to  
44 change any -- they rather have it August 10th through the April  
45 30th.

46

47 CHAIRMAN EWAN: Okay, could I ask.....

48

49 MR. DEMENTI: And this.....

50

00202

1 CHAIRMAN EWAN: Okay, go ahead.

2

3 MR. DEMENTI: .....proposal was submitted before I got  
4 on board, so I really don't know that much about it.

5

6 CHAIRMAN EWAN: Thank you, Gilbert. Can I ask about  
7 the units that you want to delete again, could I have those?

8

9 MR. TWITCHELL: The proposal would not include any  
10 changes in Unit 13, 16 or 19.

11

12 CHAIRMAN EWAN: Okay.

13

14 MR. TWITCHELL: The proposal would only apply in Unit  
15 20(C) and that would be on Denali National Park lands.

16

17 CHAIRMAN EWAN: So what you're recommending is that we  
18 amend the proposal to that effect?

19

20 MR. TWITCHELL: Miki requests that the proposal only be  
21 considered for what the intent of the Subsistence Resource  
22 Commission was and that would be for those park lands in 20(C).  
23 If the proposal is being considered for those additional lands,  
24 she requests the proposal to be withdrawn.

25

26 MR. OSKOLKOFF: Mr. Chairman?

27

28 CHAIRMAN EWAN: Yes, Gary.

29

30 MR. OSKOLKOFF: Could I ask, I'm assuming we're dealing  
31 with this proposal because there is a positive c&t then for  
32 20(C), Denali National Park for people who are within our  
33 boundaries?

34

35 MR. TWITCHELL: That is correct.

36

37 MR. OSKOLKOFF: Okay, and which units would those be?

38

39 MR. TWITCHELL: The community of Cantwell located in  
40 Unit 13(E), it would have customary and traditional  
41 opportunities for wolf in Unit 20. So that's the only reason  
42 the proposal is before this Council.

43

44 CHAIRMAN EWAN: And Gilbert, is this recommendation,  
45 does it agree with what you're saying?

46

47 MR. DEMENTI: Yeah, just -- we just deal with Unit  
48 20(C), I mean as a board.

49

50 CHAIRMAN EWAN: You would go along with, you know, not

00203

1 knowing the area and not knowing that well.....

2

3 MR. DEMENTI: Yeah, we could go along with Miki's  
4 recommendation.

5

6 CHAIRMAN EWAN: Okay.

7

8 MR. DEMENTI: Is that okay?

9

10 MR. TWITCHELL: Okay.

11

12 CHAIRMAN EWAN: Thank you, Hollis.

13

14 MR. TWITCHELL: I'll present the rest of the proposal,  
15 the analysis of the proposal.

16

17 CHAIRMAN EWAN: Go ahead.

18

19 MR. TWITCHELL: To understand how the commission came  
20 to this proposal, it's good to understand some of the events  
21 that led up to it. In 1995 there was a legal harvest of a wolf  
22 on the eastern side of the park boundary. The harvest occurred  
23 outside of the national park lands and it occurred by not a  
24 qualified Denali subsistence user. The ramifications from that  
25 harvest caused a number of public comments to be sent in to the  
26 park. The National Park Service over the last year has  
27 received 1,200 letters from interested groups regarding their  
28 concern about subsistence and the management of wolves in  
29 Denali. These authors have also sent their letters to the  
30 Secretary of the Interior, the Director of the National Park  
31 Service, the President -- the Field Director and also to the  
32 Alaska U.S. Senators and Representatives.

33

34 Most of the concerns expressed regarding wolves, both  
35 in and near Denali, the vast majority of the comments requested  
36 an elimination of subsistence harvest within the boundaries of  
37 the ANILCA park additions. Most of the letters also requested  
38 the Park Service to work to restrict sport and subsistence uses  
39 outside of the boundary. Of course, ANILCA allows for the  
40 harvest of wolves within Denali National Park areas created by  
41 the Act.

42

43 One of the prominent issues that were raised in these  
44 letters was it appropriate for the harvest of wolves during the  
45 August, September, October and April periods of the year. And  
46 the issue in question there was whether the fur was in a prime  
47 condition and whether the harvest, during those early fall and  
48 springtimes was appropriate or not.

49

50 The Denali Subsistence Resource Commission met the 29th

00204

1 of April 1996 and after referring and discussing this issue,  
2 made a motion to change the wolf hunting season dates within  
3 the park areas only, within wildlife Management Unit 20(C).  
4 They excluded the lands within the preserve in 20(C) since the  
5 State of Alaska general and sport hunting seasons apply there  
6 and they didn't feel it was appropriate to restrict the  
7 subsistence seasons while a longer State season was maintained  
8 in that area. The commission also had concerns about  
9 predator/prey relationships in the units to the south in 13 and  
10 also to the west in 19 and 16 and, therefore, they limited  
11 their proposal only to 20(C).  
12

13 In reviewing the harvest sealing records for the park  
14 area from 1984 to 1994, a period of 10 years, and identifying  
15 which of those harvests were made by qualified National Park  
16 Service subsistence users, that indicates 42 wolves were  
17 harvested, 3.8 wolves a year. From UCU's that are both within  
18 Denali Park and Preserve, the boundaries of those UCU's often  
19 extend out beyond the park boundaries so they would encompass  
20 other State lands as well. After interviewing subsistence  
21 users about their harvest, it was determined that only 15  
22 wolves or 1.4 wolves a year were actually taken off of the park  
23 lands. The difference then being harvest that would occur on  
24 State lands, adjacent State lands.  
25

26 Looking at the harvest information, there was only two  
27 communities that harvested wolves in 20(C), that was the  
28 community of Minchumina and the community of -- let me correct  
29 what I said, there was only two communities that have harvested  
30 wolves in that fall period of time, August, September and  
31 October and in April, the spring time and those two communities  
32 that had harvest during those period of times were the  
33 community of Cantwell and the community of Lake Minchumina.  
34

35 Harvest records indicate there was only two wolves  
36 harvested in the month of April during that 10 year period by  
37 subsistence users. And those occurred on park lands. There  
38 were one harvest occurred during August, September and October  
39 from park lands and, then there was an additional harvest by a  
40 subsistence user in August, September and October from the  
41 adjoining State lands. So the number of wolves actually being  
42 taken during this fall and spring period is fairly minimal.  
43

44 Researches on wolves have been going on in Denali for a  
45 number of years, fairly intensive radio telemetry and the study  
46 of wolves have been going on since 1986. The Park Service  
47 believes that the wolf population is healthy and there is no  
48 concern that the level of harvest that's occurring by  
49 subsistence users on park or the adjoining immediate lands is  
50 causing any significant effect on the population of the wolf.

1           The preliminary conclusions is to support the proposal  
2 as modified by the proponent. It's recognized that Federally  
3 qualified subsistence users at Denali use both the park and  
4 preserve and adjoining areas and they do have harvest that  
5 occurred during August, September and October and April. The  
6 harvest levels are fairly minimal, two in the fall period and  
7 two in the spring period. Again, the biological information  
8 indicates that the wolf population is healthy. The commission  
9 is responding to issues that aren't involving the biology of  
10 the wolf, but to other issues raised by the public.

11  
12           CHAIRMAN EWAN: Thank you, Hollis, that was good. Any  
13 questions? I do have one and that's the moose can caribou,  
14 food, is that pretty healthy now, Hollis? You said the wolf  
15 population is healthy.

16  
17           MR. TWITCHELL: Yes, it is. I'll talk about moose  
18 first. The moose in Unit 20(C) and in basically all of the  
19 north side of the Denali Park and Preserve areas has been  
20 fairly stable. The Park Service has been doing moose censuses  
21 about every four to five years in this area. And the last one  
22 was done just this last winter. And we see that the moose  
23 population is relatively stable, so that we do not have  
24 concerns about the health of the moose population.

25  
26           Caribou, on the other hand, the Denali caribou herd is  
27 considered a stressed population. The populations of the  
28 Denali caribou herd by the last 1996 fall count was 1,930  
29 animals. The population of the Denali caribou herd during the  
30 periods from '84 to '89, there was a gradual increase in  
31 numbers from about 2,200 to around 3,200 animals. During the  
32 years of '89 through '980, which were bad weather years and  
33 also had increased predation on the population, it decreased  
34 from 3,200 animals down to 2,000. During the 1993 to 1997  
35 period, the caribou population has been staying at about 2,000  
36 animals.

37  
38           The last seven years, the recruitment to the Denali  
39 caribou herd has been very low, as low as six calves per 100  
40 cows. Last year's fall cow/calf ratio was 13 calves to 100  
41 cows. The population is an older population, 12 to 14 years in  
42 terms of the cows and it's expected that there'll probably be  
43 some increased mortality as a result of the aging population.  
44 Without any substantial increase in calf recruitment to the  
45 Denali herd, the population is going to be very slow to  
46 recover.

47  
48           CHAIRMAN EWAN: Thank you. Any questions or comments?  
49 Gilbert.

00206

1 MR. DEMENTI: Hollis, can you tell us why is it so low,  
2 I mean is it because of the bears and wolves or because of the  
3 bad winters?

4  
5 MR. TWITCHELL: It's a combination of both. If you'll  
6 bear with me I'll read you a paragraph that comes from some  
7 analysis. In 1996 when wolf research began in the Denali area,  
8 the abundance of wolves was low, three wolves per 1,000  
9 kilometers. At that time winter snow was well below average  
10 and annual survival of radio collared cows from a companion  
11 study that was going on at that time was high 95 percent.  
12 During the '89 to '94 winter snowfall increased in the region  
13 and it was well above the average in and around the park. With  
14 this period of severe winter weather, wolf numbers increased  
15 substantially to 7.4 wolves per 1,000 kilometers in the late  
16 winter of '90/92, as a result of increased vulnerability from  
17 prey, particularly caribou. Between 1990 and 1993, the Denali  
18 caribou herd declined from 3,100 animals to 2,000 animals and  
19 survival rates of radio collared caribou dropped to about 80  
20 percent. So it's a combination of both winter weather  
21 conditions and increased predation.

22  
23 CHAIRMAN EWAN: Okay, thank you very much. Any  
24 questions of what Hollis told us here? If not, thank you very  
25 much. Any other additional comments?

26  
27 MS. MASON: Mr. Chairman, I just wanted to point out  
28 that on Page 114, people can look on their regs book and see  
29 20(C) and see how Cantwell is the only community that applies  
30 to our region.

31  
32 CHAIRMAN EWAN: Okay, we'll go on to the written  
33 comments then.

34  
35 MS. EAKON: Yes, Mr. Chair, the Alaska Department of  
36 Fish and Game does not support Proposal 31. They say that  
37 there is currently no biological basis for reducing the hunting  
38 season for wolves in these units. The proposed regulation  
39 would prohibit the harvest of wolves during moose hunting  
40 season. Although only a few wolves are taken during the period  
41 proposed for closure, wolf pelts are not valueless at that  
42 time, contrary to what is stated in the proposal. They may not  
43 be prime for sale, but can be used for making ruffs and other  
44 handicrafts. Differences in the Federal and State regulations  
45 will cause confusion for hunters, as the park and preserve  
46 boundaries are not easily identified in the field. We also  
47 note that hunting in the additions to Denali National Park  
48 already is limited to members of park resident zone communities  
49 and a few other local rural residents who have obtained  
50 subsistence permits from the National Park Service. This

00207

1 proposal does not present any compelling arguments for reducing  
2 the current season dates. End of comment.

3

4 CHAIRMAN EWAN: Thank you. We'll go on to the public  
5 comments from the floor. Anybody want to make comment on the  
6 Proposal 31? Basically which reduces the hunting season and  
7 modifies the proposal to just include in Unit 20 and take out  
8 13, 16 and 19. We'll go on to agency comments.

9

10 MS. ANDREWS: Thank you, Mr. Chairman. Elizabeth  
11 Andrews, Department of Fish and Game. Even with the proposed  
12 amend -- well, it's not an amendment yet, but the proposed  
13 modification, we still don't see a biological basis for needing  
14 to reduce that hunt. I mean it sounds, just from the report I  
15 just heard that just a few wolves are taken in the time that  
16 would be eliminated by this proposal and we just don't see a  
17 biological reason for having to do that. That's not that many  
18 animals. Thank you, Mr. Chairman.

19

20 CHAIRMAN EWAN: Thank you. So you're speaking against  
21 the proposal?

22

23 MS. ANDREWS: Well, I'm just making those comments  
24 right now because we haven't seen what -- as written and we  
25 haven't been able to internally assess what may be an amendment  
26 on this.

27

28 CHAIRMAN EWAN: Okay, thank you. Any other agency  
29 comments? If not, we'll go on to our own deliberations or  
30 recommendations. I'll entertain a motion to adopt Proposal 31  
31 for discussion purposes.

32

33 MR. JOHN: I make the motion to adopt.

34

35 CHAIRMAN EWAN: There's a motion. Is there a second?

36

37 MR. ROMIG: I'll second.

38

39 CHAIRMAN EWAN: There's a motion and second to adopt  
40 Proposal 31. Any further discussion on the proposal? Let me  
41 ask this as modified for sure, right, what we're talking about,  
42 the Staff recommendation was to modify the proposal; is that  
43 correct, is that what we're talking about?

44

45 MR. TWITCHELL: That's correct. As modified by the  
46 author.

47

48 CHAIRMAN EWAN: Is that understood in the motion  
49 maker's motion? Fred, as modified -- he's recommending  
50 deleting 13, 16 and 19 and we're dealing with just 20.



00208

1 MR. JOHN: I just got a question, Mr. Chairman. We're  
2 just dealing with 20(C) or Unit 20 overall?

3  
4 CHAIRMAN EWAN: Hollis.

5  
6 MR. TWITCHELL: Only the national park lands within  
7 20(C), so it would not apply anywhere else in the wildlife  
8 Management Unit 20(C) other than specific to Denali.

9  
10 MR. JOHN: I am kind of, you know, pretty far away from  
11 that, I don't know the area so.....

12  
13 CHAIRMAN EWAN: No, my question to you is that when you  
14 were making the motion, were you intending.....

15  
16 MR. JOHN: For discussion.

17  
18 CHAIRMAN EWAN: .....as modified?

19  
20 MR. JOHN: Yes.

21  
22 CHAIRMAN EWAN: That was my question, that it was clear  
23 to this.....

24  
25 MR. JOHN: When I made the motion, yes, that's my  
26 intent.

27  
28 CHAIRMAN EWAN: All right, thank you. So did someone  
29 call for the question on the motion?

30  
31 MR. OSKOLKOFF: Mr. Chairman?

32  
33 CHAIRMAN EWAN: Yes, Gary.

34  
35 MR. OSKOLKOFF: I thought I was clear on this as we  
36 were reading through it, but apparently I missed something and  
37 maybe it could be explained why -- it seems to me that this  
38 restricts the season. Is there currently not hunting in the  
39 national park, is that -- is that my understanding?

40  
41 MR. TWITCHELL: Yes, there is hunting within the ANILCA  
42 additions to Denali National Park. So there is currently a  
43 Federal subsistence hunting season in this area that runs from  
44 August 10th to April 30th. So this proposal would reduce that  
45 hunting period to coincide with the trapping season which is  
46 November 1st through April -- through March 31st. So this would  
47 result in a reduction of the Federal subsistence wolf hunting.

48  
49 CHAIRMAN EWAN: And the reasoning behind this proposal  
50 is to shorten -- as I understood it, there weren't that many

00209

1 wolves taken and the fur wasn't in prime period of -- prime  
2 time for a good fur; is that -- that's how I understood it,  
3 correct? Your fur is not as good as the other times?

4  
5 MR. TWITCHELL: That's correct. If I recall the  
6 discussions from the correctly, they were the representatives  
7 from Minchumina and Nenana who utilized that area, acknowledged  
8 that they typically do not harvest wolves during those times of  
9 years and they also acknowledged that the reason they didn't  
10 harvest them since they would prefer to harvest in the  
11 wintertime when the pelts were prime and they had more value to  
12 them. They also acknowledged that there was a significant  
13 other interests that were challenging whether it was  
14 appropriate to have this subsistence hunt during this early  
15 fall and spring period. And essentially this was a compromise  
16 by the commission to address other interests and concerns that  
17 had been expressed in the area.

18  
19 CHAIRMAN EWAN: Any further discussions or questions?  
20 Gary.

21  
22 MR. OSKOLKOFF: I guess I didn't understand the fact  
23 that it was a compromise. Because it seemed to me that the  
24 conclusion of what we have before us and the justification are  
25 at odds with one another. The justification, it says,  
26 therefore, the biological data do not support increasing the  
27 restrictions on the subsistence users and we're never in favor  
28 of increasing restrictions on subsistence users unless there's  
29 some compelling reason. And then on the other hand, this seems  
30 to do exactly that, yet it's supported.

31  
32 I must be missing something, because to me they're  
33 opposing ideas and maybe there was something that went on in  
34 the negotiations to try to settle this that I'm not privy to or  
35 maybe I'm just missing the point, maybe I'm too close to lunch.

36  
37 MR. TWITCHELL: No, I think you're probably right on  
38 with your point. That the decision to make this is not based  
39 on biological reasons, that there are other interests involved  
40 here.

41  
42 CHAIRMAN EWAN: Such is that the two I mentioned,  
43 there's hardly any wolves harvested during that time and the  
44 fur is not that good during that period.

45  
46 MR. TWITCHELL: Exactly.

47  
48 MR. OSKOLKOFF: But given that, the fact that they're  
49 not bothering to harvest and the fact that the fur is not as  
50 good so they're not likely to harvest, it seems to me that the

00210

1 system is working pretty well, the subsistence users are  
2 holding themselves in check, essentially, during those periods  
3 of time so therefore I don't understand the reason that we need  
4 a regulation to restrict them if they're already doing that  
5 themselves; I guess is what I'm getting to.

6  
7 CHAIRMAN EWAN: Anymore questions?

8  
9 MR. JOHN: Yes, I've got a question. I don't see why  
10 -- I see August 10th through April 30th and, I think if you're  
11 out for the fur -- you know, the pelt, a little later in the  
12 winter when pelts are really good and into April, I think about  
13 that time they start falling apart again. And I don't see any  
14 reason to really have open hunting on them during those time  
15 when the furs are not good -- or the pelts are not that good.  
16 In other words, I'm for this proposal with modification.

17  
18 CHAIRMAN EWAN: You're for it?

19  
20 MR. JOHN: Yes.

21  
22 CHAIRMAN EWAN: Okay. Any other comments? Yes,  
23 Rachel.

24  
25 MS. MASON: Mr. Chairman, I realize this is already  
26 supposed to be just Council, but I think you need to know that  
27 the Eastern Interior Council rejected this proposal because  
28 it's mainly in their region.

29  
30 CHAIRMAN EWAN: I just want the Council members to  
31 understand if we reject it, everything will stay as is, right?

32  
33 MR. TWITCHELL: Yes.

34  
35 CHAIRMAN EWAN: So are you ready to vote on the motion?

36  
37 MR. OSKOLKOFF: I call for the question.

38  
39 CHAIRMAN EWAN: Call for the question. All in favor of  
40 adopting Proposal 31 as modified say aye.

41  
42 (No aye votes)

43  
44 CHAIRMAN EWAN: Opposed by the same sign.

45  
46 IN UNISON: Aye.

47  
48 CHAIRMAN EWAN: The motion is not carried, Proposal 31  
49 is rejected.

50

00211

1 We'll take a one hour break for lunch. I don't know  
2 what time it is right now, we'll come back here at 1:00  
3 o'clock.

4  
5 (Off record)  
6 (On record)  
7

8 CHAIRMAN EWAN: I'll call the meeting back to order.  
9 Everybody take their seats, please. I believe we're on  
10 Proposal 32 -- we're done with the last proposal correct.  
11 Okay, Bob you're up.

12  
13 MR. WILLIS: Proposal 32 was submitted by Dan Crowson  
14 of Wasilla. It would open public lands in Unit 13 to trapping  
15 of wolverine by non-rural residents. Those of you that have  
16 been on the board for awhile will recall that the current  
17 Federal regulation for trapping wolverine in Unit 13 was  
18 established by the Board in the 1992/93 season as a result of a  
19 request by the Alaska Department of Fish and Game to establish  
20 a harvest limit of two wolverines per year in Units 11 and 13.  
21 The Council concurred and the Board approved the ADF&G request  
22 to make the Federal and State regulations consistent. But  
23 because this was a restriction on subsistence users, the  
24 Federal Board also closed Federal lands in those units to  
25 wolverine trapping by non-rural residents.

26  
27 The Federal lands in Unit 13, those are the Borough of  
28 Land Management, a very small portion of the Chugiak National  
29 Forest and a small portion of Denali National Park and  
30 Preserve. After all the land selections, approximately 10  
31 percent of the land in Unit 13 is Federal land. And by  
32 contrast, approximately 85 percent of the land in Unit 11 is  
33 Federal lands. We'll be talking -- this proposal was specific  
34 to Unit 13, but since we're going to propose a modification  
35 which would also include Unit 11, I'll be discussing Unit 11 as  
36 we go along also.

37  
38 The past recorded wolverine harvest in those units has  
39 been fairly small. Harvest over the past five years averages  
40 33 per year in Unit 13 as a whole. In Unit 11, there's never  
41 been any significant trapping by non-subsistence users. Only  
42 two wolverine were taken by non-rural residents in that unit  
43 during the 10 year period prior to the restriction, which was  
44 1984 to 1993 and both of those animals were taken in 1987.

45  
46 We looked at the harvest data from 1984 through 1995  
47 and found that there was no significant change in the harvest  
48 patterns of wolverines in either Unit 13 or 11 since the two  
49 wolverine harvest unit was put in place and the restriction on  
50 the non-subsistence use was put in place. We also evaluated

00212

1 the harvest before and after the Federal closure, and found  
2 that there was no significant change in the number of  
3 wolverines harvested, an average of 34 before and 33.3 after.  
4 And no significant change in the proportion of wolverine  
5 harvested by rural versus non-rural users. Harvest by a non-  
6 rural users in Unit 11 was unchanged as well.

7  
8 The study that's currently being conducted by the  
9 Alaska Department of Fish and Game to test the accuracy of the  
10 current density-estimation techniques that are being used to  
11 monitor wolverine populations has shown that the density-  
12 estimate in Unit 13 is very similar to what's found elsewhere.  
13 I talked to the researcher in charge and I was hoping he would  
14 be here today, but he hasn't made it, I talked with him about  
15 it rather extensively a few weeks ago and he believes that the  
16 apparent increase and then subsequent decline in the wolverine  
17 population which prompted them to recommend a change in the  
18 regulation was, in fact, a shift of the population from one  
19 area to another in response to the availability of food in the  
20 form of dead animals and their remains with wolves and bears  
21 and other predators. At the time when the wolverine  
22 populations were considered to be pretty high, moose were more  
23 abundant in those units than they are now and, the Nelchina  
24 caribou herd had peaked and was in the process of crashing.  
25 This was back in the '70s and very early '80s. Wolves and  
26 bears were also quite abundant and preying on those populations  
27 at that time. And this resulted in a lot of carcasses around.  
28 As you know, wolverine are primarily scavengers. They depend  
29 heavily on the carcasses left by wolves and bears for their  
30 sustenance. And as the moose and caribou populations decline  
31 and the number of carcasses also decline and the wolverine  
32 population declined also.

33  
34 The recent estimation of the population seems to  
35 indicate that there's been no increase in the population in  
36 those units with the restrictions that have been placed on  
37 trapping. And they now believe that the lowland habitats where  
38 the wolverine population was thought to have declined is  
39 actually not just very good wolverine habitat to begin with and  
40 it appears that the density in those areas is pretty much the  
41 same as it is in other areas of similar habitat. Because of  
42 these findings, ADF&G has submitted a proposal to the State  
43 Board of Game to remove the two wolverine harvest limit on  
44 State and private lands in Units 11 and 13 in return to a no  
45 limit regulation.

46  
47 Wolverines, of course, were historically taken by the  
48 Ahtna tribe in Units 11 and 13. People had traplines that were  
49 pretty well established and belonged to certain individuals.  
50 Over the years as the road system has come into place, more and

00213

1 more people have started trapping from the road system, so  
2 that's become a common practice.

3  
4 And in recent years, the communities in Unit 13, it had  
5 been represented among harvesters of wolverines are Cantwell,  
6 Chitina, Chulitna, Copper Center, Gakona, Glennallen, Cold  
7 Creek and Paxson. The proportions of wolverines that were  
8 taken by rural versus non-rural trappers, taken by rural  
9 residents was about two-thirds overall of Unit 13 and all of  
10 the trappers that have took wolverines in Unit 11 were rural  
11 users. Of course, we have no way of determining how many  
12 wolverine were taken on Federal versus non-Federal land in Unit  
13 13. As I said earlier, only 10 percent of the land is Federal  
14 land, so you can safely assume that most of the harvest is  
15 coming from State and private lands.

16  
17 The preliminary conclusion was to support this proposal  
18 with a modification to include Unit 11. Our reasons were that  
19 there's been no significant change in harvest patterns in  
20 wolverine in Units 11 and 13 since the two wolverine harvest  
21 limit was put in place and the restriction on the non-Federal  
22 use was put in place. There's been no significant change in  
23 the number of wolverine harvested, no significant change in the  
24 proportion of wolverine harvested by rural versus non-rural  
25 users. And it's felt that the apparent increase and decline  
26 was more a factor of animal shifting from one area to another  
27 following the food supply rather than an actual decline below  
28 carrying capacity.

29  
30 ANILCA is fairly clear on when restrictions on non-  
31 subsistence uses can be put in place. The reasons given are  
32 only when necessary for the conservation of healthy populations  
33 of fish and wildlife or to continue subsistence uses of such  
34 populations. It's in Title VIII, Section 815. Since  
35 conservation of a healthy population is no longer an issue, the  
36 restrictions on subsistence harvest have been determined to be  
37 unnecessary and the restrictions on non-subsistence use have  
38 proven to have no impact on either the number of wolverines  
39 harvested or the subsistence user. It would appear that a  
40 continued closure of these Federal to non-subsistence use can't  
41 be justified.

42  
43 Of course, we do feel that our support for this  
44 proposal should be contingent upon the State Board of Game  
45 passing a regulation to do the same thing to remove these  
46 restrictions on State and private lands.

47  
48 That concludes the Staff analysis.

49  
50 CHAIRMAN EWAN: Thank you, Bob. Any question's of Bob

00214

1 before we go on to the next step? If not, thank you. Letters  
2 or comments, written comments.

3  
4 MS. EAKON: Yes, Mr. Chairman.

5  
6 CHAIRMAN EWAN: Go ahead.

7  
8 MS. EAKON: We received only one comment and that was  
9 from the Alaska Department of Fish and Game who support this  
10 proposal. They note that the amount of Federal public land in  
11 Unit 13 is suitable for trapping wolverines is very limited.  
12 They note that the only trappers who did trap on Federal public  
13 lands in Unit 13 under the current regulations were trappers  
14 who are not eligible to take wolverine in that unit. The only  
15 effect of this restrictive regulation has been to limit those  
16 few trappers whose traplines are located in good wolverine  
17 habitat to two wolverines per year. The Department does not  
18 support a large increase in wolverine harvest, so they would  
19 closely monitor the effects of this proposal if it is adopted.  
20 They say that the overall wolverine population in Unit 13 is  
21 stable and is probably increasing in favorable habitats and  
22 they would not oppose expansion of this proposal to include  
23 Unit 11.

24  
25 CHAIRMAN EWAN: The next step is then to open the floor  
26 for any comments from the public. If not, we'll go to agency  
27 comments. Are there any agency comments? No, okay. I'll  
28 entertain a motion to adopt Proposal 32 for discussion  
29 purposes.

30  
31 MR. OSKOLKOFF: Mr. Chairman, I'll make a motion to  
32 adopt Proposal 32.

33  
34 CHAIRMAN EWAN: Is there a second?

35  
36 MR. DEMENTI: Second.

37  
38 CHAIRMAN EWAN: The motion is seconded to adopt  
39 Proposal 32. Any further discussion on the motion?

40  
41 MR. OSKOLKOFF: Mr. Chairman, I'd like to offer an  
42 amendment to Proposal 32 to add Unit 11, in addition to Unit  
43 13.

44  
45 MR. DEMENTI: I'll second that.

46  
47 CHAIRMAN EWAN: There's a motion and second to adopt --  
48 I mean to amend the proposal to include Unit 11. Any further  
49 discussion on the amendment?

50

00215

1 I would like to comment or ask a question of anyone,  
2 what are we trying to fix -- just one individual proposed  
3 something, but it didn't seem like there was a lot of support  
4 from elsewhere; what happened here anyway?

5  
6 MR. WILLIS: I'm sorry, Roy, would you restate that?

7  
8 CHAIRMAN EWAN: There was only name mentioned in that  
9 proposal, one person that proposed this.

10  
11 MR. WILLIS: One person submitted it. Right. It was  
12 submitted by one person. A similar proposal has been voted  
13 before by the Southcentral Trappers Association and this  
14 individual, I assumed is a trapper. I don't know him  
15 personally, but I assume he is a trapper. But he was aware of  
16 the studies that was being done by ADF&G and the fact that  
17 ADF&G has no longer had a concern for the wolverine population  
18 and plan to submit a proposal to the State Board of Game to  
19 remove their restrictions and so submitted a proposal to us to  
20 have the Federal restrictions removed also. That's all I know  
21 about him.

22  
23 CHAIRMAN EWAN: Yeah, it just seems strange that you  
24 only have one individual that wants to do this to a large area,  
25 including this large of an area. Myself, I have a little  
26 concern about this because I'm a local person there and I'm not  
27 out there trapping, but I know there are -- I have friends who  
28 live out there, they'll be impacted if you open it up to non-  
29 rural people.

30  
31 MR. WILLIS: Our data indicates that's not the case,  
32 that's not what happened with the Federal closure. There was  
33 no change in the number of rural versus non-rural trappers.  
34 There was no change in the number of wolverines taken by the  
35 subsistence trapper. And you know, in essence the regulation  
36 seemed to have no effect, whatever, and it was put in place  
37 because of the restriction which was put on the harvest limits.  
38 It was kind of an automatic thing, if you restrict the  
39 subsistence user with a two wolverine limit, then you have to  
40 restrict the non-subsistence user to a greater degree and  
41 that's why the closure was put in place to begin with. So with  
42 the removal of restrictions on the non-subsistence -- on the  
43 subsistence user, then it's appropriate to ask for lifting the  
44 restrictions on the non-subsistence user also if there's -- if  
45 there's no conservation concern, which there is not and if  
46 there is no restriction placed on the subsistence user.

47  
48 CHAIRMAN EWAN: I'm thinking more broadly than just  
49 wolverine, you know, just to give you my thoughts. If you open  
50 that up to non-rural people, you open it up for the taking of



00216

1 other species, too, you know. I think that would give some  
2 people more justification from -- that don't live in the area  
3 to come if you open it up for all the species.

4  
5 I have a little concern without the local trappers not  
6 giving their input to this proposal.

7  
8 MR. WILLIS: Your assumption that trapping for other  
9 species has been halted -- is incorrect, Roy. It was for  
10 wolverine only. This closure was put in place -- non-rural  
11 trappers.....

12  
13 CHAIRMAN EWAN: Well, what I'm saying is, if you allow  
14 these non-rural people to come out and to trap wolverine, this  
15 is just for wolverine?

16  
17 MR. WILLIS: Right.

18  
19 CHAIRMAN EWAN: Not the other species.?

20  
21 MR. WILLIS: They can currently go out there and trap  
22 anything but wolverines. If they catch a wolverine they can't  
23 keep it.

24  
25 CHAIRMAN EWAN: That will just give them more reason to  
26 get out there and compete with local people is what I'm saying.

27  
28 MR. WILLIS: Well, I hear what you're saying. I have  
29 to disagree. Looking at the wolverine harvest, the average  
30 harvest is only two wolverine a year for each one of those  
31 trappers and.....

32  
33 CHAIRMAN EWAN: I stated my concern, so I mean.....

34  
35 MR. WILLIS: Yeah.

36  
37 CHAIRMAN EWAN: .....just wanted that for the record.  
38 Any further discussion on the motion or questions of Bob?

39  
40 MR. OSKOLKOFF: I call for the question on the  
41 amendment.

42  
43 CHAIRMAN EWAN: Okay, there's a call for the question  
44 on the amendment. All in favor of the amendment to include  
45 Unit 11 in this proposal say aye.

46  
47 IN UNISON: Aye.

48  
49 CHAIRMAN EWAN: Opposed by the same sign.

50

00217

1 (No opposing votes)

2

3 CHAIRMAN EWAN: The motion is carried. On the main  
4 motion then.

5

6 MR. OSKOLKOFF: Mr. Chairman, I'd like to further amend  
7 Proposal 32 with the concurrence of the rest of the Council to  
8 add the statement that was suggested by Staff that our support  
9 for this proposal should be contingent upon the State Board of  
10 Game adopting a similar proposal. I understand that's in the  
11 works. And I'd just like to make it for a matter of the  
12 record.

13

14 CHAIRMAN EWAN: Is there a -- is his a motion?

15

16 MR. ROMIG: Second.

17

18 MR. OSKOLKOFF: Yes, a motion to amend.

19

20 CHAIRMAN EWAN: Do you second the motion?

21

22 MR. ROMIG: I second it.

23

24 CHAIRMAN EWAN: There's a motion and second to amend  
25 Proposal 32. Is there further discussion on the amendment?

26

27 MR. OSKOLKOFF: Call for the question.

28

29 CHAIRMAN EWAN: Question's been called for. All in  
30 favor of the amendment to Proposal 32 say aye.

31

32 IN UNISON: Aye.

33

34 CHAIRMAN EWAN: Opposed by the same sign.

35

36 (No opposing votes)

37

38 CHAIRMAN EWAN: Motion is carried. I didn't hear very  
39 many ayes here, so I'm wondering if we're getting tired or  
40 what.

41

42 MR. OSKOLKOFF: After lunch we're a little sleepy.

43

44 CHAIRMAN EWAN: Okay, on the main motion.

45

46 MR. OSKOLKOFF: Mr. Chairman, I'll call for the  
47 question on the main motion.

48

49 CHAIRMAN EWAN: The question's been called forward on  
50 the main motion to adopt Proposal 32 as amended. All in favor

00218

1 say aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN EWAN: Opposed by the same sign.

6

7 MR. JOHN: Aye.

8

9 CHAIRMAN EWAN: Motion passes. I didn't hear you, were  
10 you -- did you say yes?

11

12 MR. JOHN: Oppose.

13

14 CHAIRMAN EWAN: Oppose, okay. There is one opposition.  
15 We'll go to Proposal 33. Bob.

16

17 MR. WILLIS: Proposal 33 was submitted by the Ninilchik  
18 Traditional Council. It would allow a Federally qualified  
19 subsistence user to designate another Federally qualified  
20 subsistence user to take moose in Unit 15 on behalf of the  
21 recipient. We've discussed designated hunters at some length  
22 earlier, so I won't go into the background in the interest of  
23 time. We've considered the language that was used, I guess, in  
24 previous designated hunter regulations, so I'm sure that's  
25 still fresh on your mind.

26

27 This particular proposal is a little different, in  
28 that, it was submitted in two parts, designated Addition #1 and  
29 Addition #2. Addition #1 is very similar to the designated  
30 hunter regulation which is now in effect for deer in Units 1  
31 through 5 and 8 and for moose in Unit 5. Addition #2 would  
32 authorize the Ninilchik Traditional Council to designate a  
33 Federally qualified subsistence user to take moose on behalf of  
34 Tribal members and with no specified possession limit. Whereas  
35 with the standardized designated hunter provision that we've  
36 been using the last two years, there is a possession limit of  
37 two harvest limits that you can have in your possession at one  
38 time. This was a restriction that was recommended by the  
39 Southeast Regional Council and approved by both that Council  
40 and the Kodiak Aleutians Council for deer in Unit 8 out of  
41 concern that people might harvest more animals than they could  
42 properly care for.

43

44 The Federal lands that we're dealing with here, those  
45 are the Kenai National Wildlife Refuge. The moose population  
46 in Unit 15 has come back strongly from that bad winter we had a  
47 couple of years ago. The population is healthy, it's  
48 relatively stayed below the short-term, although it's declining  
49 slowly over the long-term due to aging of the habitat. The  
50 total preseason hunting population for Unit 15 is about 3,000

00219

1 on refuge lands. And the total population in all of Unit 15 is  
2 about 4,500 to 5,500. We had some good composition counts that  
3 were done for us by the Alaska Department of Fish and Game in  
4 November of 1996 and found that the average bull;cow ratio was  
5 27:100, the calf;cow ratio was 35:100 and there were 22 percent  
6 calves in the population. All these numbers indicate a healthy  
7 population.

8  
9 And we also have a report of 503 bulls that were  
10 harvested in all hunts as of December 1996. There are four  
11 rural communities with customary and traditional use of moose  
12 in Unit 15 and those are Nanwalek, Ninilchik, Port Graham and  
13 Seldovia. While the great majority, probably 100 percent of  
14 all rural households in Unit 15 are subsistence users, Nanwalek  
15 and Port Graham generally harvest more pounds per capita than  
16 the others do. The sharing of moose and other resources is  
17 well documented throughout the unit.

18  
19 As I mentioned, there were two proposed parts to this  
20 proposal. The first would be a designated hunter regulation  
21 for Unit 15, similar to that which is in effect in other units.  
22 And the second one authorizes the Ninilchik Traditional Council  
23 to designate Federally qualified subsistence users to take  
24 moose for other people and places no limit on the designated  
25 hunter possession limit.

26  
27 It was a little unclear to us at first whether the  
28 tribal council planned to select hunters, that is, to designate  
29 who would get a permit and who would not, so we got back in  
30 touch with them and found out that that was not what they were  
31 asking for, that they wanted to serve as a kind of clearing  
32 house to put people who wanted a moose, but couldn't hunt  
33 together with hunters who would hunt for them.

34  
35 On Addition #2, the purpose of authorizing the NTC to  
36 designate hunters would actually be covered by the language in  
37 Addition #1. If Addition #1, the standardized designated  
38 hunter regulation is adopted for Unit 15, then a separate part  
39 authorizing the NTC to act as a clearing house for finding  
40 designated hunters for other members would not be necessary  
41 because there's nothing in the designated hunter regulation  
42 that would prohibit them from doing that. The other difference  
43 between Addition #2 and #1, was the difference in possession  
44 limit. And again we run afoul of the criteria established by  
45 law and that we can't have a different possession limit for one  
46 group of subsistence users over another group of subsistence  
47 users unless there's a shortage of the resource in an 804  
48 situation, which again, we do not have here.

49  
50 Our preliminary conclusion was to support Addition #1

00220

1 and reject Addition #2. We don't anticipate any significant  
2 biological impacts from having one person harvest for another  
3 down there. The moose population is healthy and this is  
4 certainly a customary and traditional practice. However, we  
5 don't feel it's necessary to establish by regulation the  
6 Ninilchik Traditional Council's ability to facilitate putting  
7 together those who would like to have a designated hunter with  
8 those who are willing for them. And as I said earlier, there's  
9 no basis for exempting only designated hunters hunting for  
10 tribal members from the possession limit which would apply to  
11 non-tribal members.

12  
13 That concludes the Staff analysis.

14  
15 CHAIRMAN EWAN: All right. Do we have any written  
16 comments, Helga? Any questions of Bob before that?

17  
18 MS. EAKON: Yes. I note that we received three  
19 comments on Proposal 32. The Alaska Department of Fish and  
20 Game has deferred their final comments and they do make a  
21 number of points. If Elizabeth could help me out when it's her  
22 time to speak to highlight those please, thank you.

23  
24 The Kenai Peninsula Outdoor Coalition opposes this  
25 proposal and opposes the rural status of Ninilchik. The  
26 Coalition states that the Ninilchik Traditional Council is not  
27 representative of a Federally recognized tribe. The history of  
28 these people past and present is representative of a western  
29 European culture documentation provided.

30  
31 And finally, the Central Peninsula Fish and Game  
32 Advisory Committee in Clam Gulch opposes this proposal. They  
33 say that the State already has a proxy hunt that is sufficient  
34 to meet the needs of the elderly and disabled. Proposal 33  
35 would not be limited to over 65, disabled, et cetera, but would  
36 be open to any Federal qualified subsistence user and they  
37 object to this. End of comments.

38  
39 CHAIRMAN EWAN: Thank you. We'll go on to public  
40 comments from the floor, if anybody wants to comment on this  
41 proposal. If not, we'll go on to agency comments. Yes.

42  
43 MS. ANDREWS: Thank you, Mr. Chairman. Elizabeth  
44 Andrews, Department of Fish and Game. You have the written  
45 record, of course and, I'll just highlight some of the things  
46 that are in that. We certainly concur with what your Staff  
47 analysis is with regard to the second part of this proposal.  
48 We think that by adopting the first part of it that it would --  
49 the second part would be unnecessary.

50

00221

1           Generally we'll be deferring our final comments on the  
2 first part of the proposal until we see what actually gets laid  
3 out here. But as we mentioned earlier when there was a  
4 discussion of the designated hunter option, we would prefer to  
5 see that limited to those who are unable to hunt for themselves  
6 and that the Council develop some sort of criteria for that  
7 rather than having it wide open. We'd prefer that there be  
8 some sort of allocation as to the number that can be allocated  
9 under the designated hunter option. And then thirdly that  
10 there be some mechanism put in place to monitor the use of this  
11 proposed system.

12  
13           So that concludes my comments, Mr. Chairman.

14  
15           CHAIRMAN EWAN: All right, thank you. Any questions of  
16 Elizabeth while she's here? all right, thank you. We'll move  
17 on to -- does anybody want to comment here on this proposal?  
18 We'll go on to the Regional Council's deliberation or  
19 recommendations then. I'll entertain a motion to adopt  
20 Proposal 23 for discussion purpose.

21  
22           MR. OSKOLKOFF: Mr. Chairman, I'll make a motion to  
23 adopt Proposal 33.

24  
25           CHAIRMAN EWAN: There is a motion to adopt Proposal 33.

26  
27           MR. JOHN: I second.

28  
29           CHAIRMAN EWAN: There's a motion and second. Any  
30 further discussion on Proposal 33? Ben, do you have a comment?

31  
32           MR. ROMIG: Yeah, Mr. Chairman, just like when we dealt  
33 with Proposal 27, I still have a question as to being able to  
34 give a permit to somebody just because -- you know, possibly  
35 just because they have to work that week or something like  
36 that. I think that the person that doesn't -- hunters should  
37 be hunting for somebody that can't -- you know, doesn't have  
38 the opportunity because of his physical capacity or his age or  
39 something of that effect. I'd like to see some kind of a  
40 language in there before I could support this proposal.

41  
42           CHAIRMAN EWAN: Any other comments?

43  
44           MR. OSKOLKOFF: Mr. Chairman?

45  
46           CHAIRMAN EWAN: Gary.

47  
48           MR. OSKOLKOFF: If I could, with regard to Addition #1,  
49 I think that the hope is that we could mold the language if  
50 necessary over time to match a universal designated hunter rule

00222

1 for subsistence users. And that we could come up with language  
2 that was more refined that could perhaps address some of the  
3 problems that Ben has mentioned. And I happen to agree that  
4 there are doors open for abuse, but I think on the other hand,  
5 the advantages are similar to what we have in the Copper River  
6 area, in that, it brings people in to the subsistence uses who  
7 otherwise, because of no fault of their own, would not be able  
8 to participate.

9  
10 To go a little further, on Addition #2, the concept  
11 behind Addition #2 was to -- and I agree that the wording fell  
12 somewhat short of that, is to allow something similar to what  
13 was being discussed by -- I believe it was.....

14  
15 CHAIRMAN EWAN: CRNA?

16  
17 MR. OSKOLKOFF: Yeah, CRNA, to make it easier for those  
18 people who want to participate. Particularly those people who  
19 are older and in less physical condition than some of the  
20 younger people to bring it in line with what the custom was.  
21 One of our criteria is customary and traditional, but sometimes  
22 we make the hunt considerably different from what the custom  
23 was. And for instance, in many villages in my area, the custom  
24 was that young -- the young able men would do the majority of  
25 the hunting as I'm sure it is in a lot of areas and they would  
26 hunt for more than themselves. And their value system was  
27 taught through that process on how many you get, why you don't  
28 take more than you need and distribution and a number of other  
29 items; we wanted to do that.

30  
31 Secondly, the other issue that was involved in this is  
32 simply making it more accessible and something in the realm of  
33 possibility for some of the local people to see themselves  
34 doing. That is, people were having some difficulty  
35 understanding the regulations and complying and being in the  
36 right place at the right time, getting the right documents and  
37 getting where they're supposed to be. So that's really what  
38 the attempt was more about.

39  
40 We would like to see more along the line of a  
41 cooperative management agreement in which -- we realize that  
42 would have to evolve over time in which we would have some  
43 involvement in the -- not only putting hunters together with  
44 people in need of designated hunter, but also handing out  
45 permits, receiving harvest reports, doing some monitoring and  
46 some enforcement on the local level. This is something that's  
47 done in other realms other than Fish and Wildlife and Fish and  
48 Game and the State of Alaska such as police forces that exist  
49 in most cities and a variety of social service agencies and  
50 health organizations and what not. And we think that just

00223

1 because we're tribal we shouldn't be excluded from that. Just  
2 because we happen to be a member of a tribal group, we  
3 shouldn't be excluded from that type of cooperative  
4 arrangement.

5  
6 But I do agree that expressing that idea through the  
7 words that were written in Addition #2 have fallen somewhat  
8 short.

9  
10 CHAIRMAN EWAN: So you kind of favor Staff  
11 recommendation then?

12  
13 MR. OSKOLKOFF: At this time until we can come up with  
14 something else and I would suggest that we work to come up with  
15 something and I suggest that it be universal so we don't have  
16 to do it on the Kenai, do it up in further towards the Interior  
17 and you know, every different unit has a different set of  
18 criteria and a different set of wording; something that is a  
19 little more similar would be nice. And I would just like to  
20 leave that as a suggestion and then be willing to go along with  
21 the Staff recommendation.

22  
23 CHAIRMAN EWAN: I tend to agree with you Gary. I think  
24 Staff is kind of recommending that also, right, the last part  
25 about being more universal, more statewide?

26  
27 MR. WILLIS: That was the Staff suggestion this year,  
28 Mr. Chair. We had two designated hunter proposals and felt  
29 that it would be a good idea, if we could do it, to look at it  
30 universally. Unfortunately because of the crush of time, there  
31 was not the opportunity to do that.

32  
33 CHAIRMAN EWAN: So any further discussion on -- we  
34 didn't amend this, right, we're on the main proposal? But we  
35 are -- we could amend it to modify it to do what the Staff  
36 recommends -- in fact, that would be the proper thing to do  
37 right now. Are there any amendments to the proposal? No  
38 amendments? Any further discussion on the proposal?

39  
40 MR. ROMIG: I move to remove Addition #2 on Proposal  
41 33.

42  
43 CHAIRMAN EWAN: There's a motion, is there a second?

44  
45 MR. JOHN: Yes.

46  
47 CHAIRMAN EWAN: You second it, Fred?

48  
49 MR. JOHN: Yes.

50



00224

1 CHAIRMAN EWAN: All right. Further discussion now on  
2 this amendment? My understanding is you'll go along with that,  
3 right, Gary?

4  
5 MR. OSKOLKOFF: Yeah.

6  
7 CHAIRMAN EWAN: I just want to be clear.

8  
9 MR. OSKOLKOFF: I'll abstain from voting.

10  
11 CHAIRMAN EWAN: All right. Any further discussion on  
12 the amendment? Ready to vote on the amendment?

13  
14 MR. JOHN: Yes.

15  
16 CHAIRMAN EWAN: All in favor of amending Proposal 33 to  
17 delete Addition #2 say aye.

18  
19 IN UNISON: Aye.

20  
21 CHAIRMAN EWAN: Opposed by same sign.

22  
23 (No opposing votes)

24  
25 CHAIRMAN EWAN: Motion is carried. On the main motion  
26 then to adopt Proposal 33 as amended. Any further discussion  
27 on that?

28  
29 MR. OSKOLKOFF: I'll call for the question.

30  
31 CHAIRMAN EWAN: Question's called. All in favor of  
32 adopting Proposal 33 as amended say aye.

33  
34 IN UNISON: Aye.

35  
36 CHAIRMAN EWAN: Opposed by the same sign.

37  
38 (No opposing votes)

39  
40 CHAIRMAN EWAN: Motion is carried. Okay, Proposal 34,  
41 I think we're moving along pretty good there. I just want to  
42 say if there's any -- I see Wilson Justin here from our area, I  
43 just want to say welcome to the meeting. And if anybody else  
44 needs an introduction back there, stand people that haven't  
45 been introduced and we're on Proposal 34 at the present time.  
46 If you want to comment, you just sign-up back there and you're  
47 welcome to comment on any proposal or anything else that you  
48 want to comment on.

49  
50 I guess we're ready to go then on Proposal 34A.

00225

1 MS. MASON: Thank you, Mr. Chairman.

2  
3 CHAIRMAN EWAN: Or Proposal 34.

4  
5 MS. MASON: Proposal 34 and 35 were analyzed together,  
6 34 is a combination of two different proposals having to do  
7 with grouse in Unit 15 and 35 deals with ptarmigan in Unit 15.  
8 So the two of them were looked at together. 34A was submitted  
9 by -- well, it's a combination of two proposals submitted by  
10 the Kenai National Wildlife Refuge and the Ninilchik  
11 Traditional Council. The Kenai National Wildlife Refuge asked  
12 for c&t for grouse be limited to spruce grouse and not ruffed  
13 grouse and it also asked for the c&t for grouse in Unit 15 to  
14 be limited to residents of Unit 15. Whereas, the Ninilchik  
15 Traditional Council's backlog proposal merely wanted a revision  
16 of the c&t for grouse in Unit 15. Proposal 35 was submitted by  
17 the Kenai National Wildlife Refuge and it asks for revision of  
18 the c&t for ptarmigan in Unit 15. And that one asked for the  
19 c&t to be limited to Unit 15.

20  
21 So one of the reasons that the two proposals were  
22 analyzed together is that much of the graphic information and  
23 the harvest data on grouse and ptarmigan is combined. All the  
24 upland game birds were -- you see them together. And so we  
25 already saw in our discussion of ptarmigan and grouse in Units  
26 11 and 12 that there is a very expansive c&t presently on the  
27 books for those game birds -- those upland birds. And  
28 presently there is a c&t for ptarmigan and grouse in Units 11,  
29 13, 15, 16, 20(D), 22 and 23. And all of -- people from all of  
30 those units presently have c&t for ptarmigan and grouse in Unit  
31 15.

32  
33 As I expressed before, for ptarmigan and grouse, those  
34 two birds do play a large part in subsistence economies, mostly  
35 as an emergency resource or a supplemental one. Harvests tend  
36 to vary from year to year and they tend to be taken in  
37 conjunction with other hunting activities or with fishing  
38 activities. And generally, they are taken near the communities  
39 of residence so it does make sense to limit the c&t for Unit 15  
40 to residents of Unit 15.

41  
42 Therefore, our preliminary conclusion was to limit c&t  
43 for ptarmigan and grouse in Unit 15 to the rural residents of  
44 Unit 15. And the Staff conclusion was also to support Proposal  
45 34A which limits the determination on grouse to spruce grouse.  
46 The justification for the latter was that spruce grouse is the  
47 only species of grouse that historically occurs in Unit 15.  
48 There has been a recent introduction of several breeding pairs  
49 of ruffed grouse, but they are not -- they're protected at  
50 present under State regulation and they cannot be hunted.

00226

1           So that's the basis of our Staff analysis.

2

3           CHAIRMAN EWAN: Okay, thank you, Rachel. Any questions  
4 of Rachel before we move on? If not, we'll have written  
5 comments.

6

7           MS. EAKON: Yes, Mr. Chairman, we received two  
8 identical comments relating to both Proposal 34 and 35. The  
9 Alaska Department of Fish and Game deferred their comments.

10

11           The Central Peninsula Fish and Game Advisory Committee  
12 in Clam Gulch stated that they and the public were unanimously  
13 opposed. They felt all present did not want any c&t finding on  
14 grouse. They feel that the existing season is plenty liberal  
15 and there is no reason for more season or subsistence  
16 opportunity. End of comments, Mr. Chair.

17

18           CHAIRMAN EWAN: Could you read that last part -- that  
19 very last part there?

20

21           MS. EAKON: Okay. The Central Peninsula Fish and Game  
22 Committee felt that the existing season is plenty liberal and  
23 there is no reason for more season or subsistence opportunity.

24

25           CHAIRMAN EWAN: Thank you. Any -- that's it, right, no  
26 more letters?

27

28           MS. EAKON: Right.

29

30           CHAIRMAN EWAN: Okay. We'll go into the -- we'll open  
31 the floor for comments. Anything from the floor? Okay, if  
32 there's no comments from the floor, we'll have agency comments.  
33 No agency comments? Okay. To the regional Council  
34 deliberations and recommendations. I'll entertain a motion to  
35 adopt Proposal 34 and 34A; I believe this is how you wanted it  
36 considered or just one at a time?

37

38           MS. MASON: I guess 34A and then 34B and then.....

39

40           CHAIRMAN EWAN: Okay, we'll go by 34A; I'll entertain a  
41 motion to adopt 34A.

42

43           MR. ROMIG: I so move.

44

45           CHAIRMAN EWAN: There's a motion. Is there a second?

46

47           MR. JOHN: Second.

48

49           CHAIRMAN EWAN: There's a motion and second. Further  
50 discussion on the motion to adopt Proposal 34A?

00227

1 MR. OSKOLKOFF: Mr. Chairman?

2

3 CHAIRMAN EWAN: Gary.

4

5 MR. OSKOLKOFF: I'm trying to remember back to some of  
6 the discussions we had with regard to this species when we were  
7 talking about moose and the opportunistic nature of how these  
8 -- of how these birds were taken. And I believe the intention  
9 was, at the time, to be as little restrictive as possible  
10 because we A), didn't find a reason to be restrictive and a  
11 biological reason or other and B), we found that the taking was  
12 usually incidental to other hunting and other hunting had  
13 occurred for various species in quite a large area.

14

15 And the other issue is, as mentioned earlier, was that  
16 the grouse were considered to some degree, a training game item  
17 and they were taken for food and not on an emergency basis as  
18 far as I remember. I mean certainly they were taken in an  
19 emergency, but they were just taken on a general hunt just when  
20 the opportunity arose. And it really wasn't -- in rare  
21 instances, only in dense populations, is it worth spending a  
22 lot of time looking specifically for grouse. I wish Ralph was  
23 here, he could give you a detailed explanation of how one could  
24 live off those for a period of time.

25

26 But given that, I don't -- I really don't see a  
27 compelling reason listed here in the discussion or the proposal  
28 to be this restrictive in adopting the proposal as written.

29

30 And there is one other thing I wanted to mention, too,  
31 is that the grouse -- the ruffed grouse that were introduced,  
32 since it is -- and to some large degree, training, game bird,  
33 occasionally there will be errors, usually inadvertent, by  
34 younger hunters and I just don't know that it's necessary to  
35 make a regulation which they can break when it seems to be that  
36 there is not a problem -- a large problem that we have to  
37 reduce.

38

39 CHAIRMAN EWAN: Any other comments? Ben.

40

41 MR. ROMIG: Yeah, Mr. Chairman, I can kind of see where  
42 Gary's coming from but I really don't see where this is putting  
43 any kind of unnecessary restriction, you know, it's Unit 15, it  
44 deals with rural residents in Unit 15. And there could be a  
45 biological problem if they just reintroduce these other grouse  
46 and you know, trying to see how they do before people start  
47 shooting them. So I don't really think that, you know, if  
48 somebody shoots one accidentally, I don't think they're going  
49 to go to jail over it necessarily, but if you've got a -- you  
50 don't have the restriction on it, then they definitely might

00228

1 shoot them just to get something.

2

3 So I'm in favor of the proposal.

4

5 CHAIRMAN EWAN: Any other comments? Myself, I  
6 understand both comments as being pretty valid. I mean Ben has  
7 a valid comment about, the new species that's trying to be -- I  
8 guess it exists and it's being introduced in the area?

9

10 MS. MASON: It was recently reintroduced two years ago,  
11 what was that '95?

12

13 MR. WILLIS: No, this is known as reintroduction. To  
14 my knowledge there's never been ruffed grouse on the Kenai  
15 Peninsula. And Mark Chase is here from the refuge, who has  
16 more information on that than I do probably as far as the  
17 introductions go, if you'd like to question him. Mark, would  
18 you come up to the microphone, please.

19

20 MR. CHASE: My name is Mark Chase with the Kenai  
21 National Wildlife Refuge. The ruffed grouse were brought down  
22 from the Interior to the Kenai, but historically haven't  
23 occurred there. The ptarmigan and the spruce grouse occurred  
24 throughout the Kenai naturally. And in 1996, I believe, the  
25 Department of Fish and Game moved some birds from Interior  
26 Alaska down to some areas of the Kenai in hopes of establishing  
27 a population of the birds down there. A similar effort and  
28 it's been very successful, I guess in the Matanuska-Susitna  
29 Valley. And they're trying to basically establish a ruffed  
30 grouse population on the Kenai.

31

32 CHAIRMAN EWAN: Do we have any idea of how they're  
33 doing?

34

35 MR. CHASE: They're doing okay. There's a high degree  
36 of mortality in any kind of grouse species like that, they're  
37 not a long lived bird, but there are some that are surviving  
38 and there were some that actually produced young this past  
39 season.

40

41 CHAIRMAN EWAN: Okay, thank you very much.

42

43 MR. CHASE: Okay.

44

45 MR. OSKOLKOFF: Can I ask him a question? Do they  
46 remain primarily in the locale that they were introduced to?

47

48 MR. CHASE: Generally they do. If I remember right  
49 from Fish and Game testimony, that most of them are hatched,  
50 raised and die within a four mile circle and occasionally

00229

1 individual do venture long distances. But they've released  
2 them in two locations, one at Captain Cook State Park, out  
3 north of Kenai out beyond Nikiski and then another release  
4 adjacent to the refuge boundary on some private land near  
5 Sterling. And those are the only two locations they've been  
6 released. And if they are successful, they probably will  
7 spread over most of the -- at least, northern portion of the  
8 refuge that has, what I'm told, is the more suitable habitat  
9 for ruffed grouse due to the fires in 1947 and 1969.

10  
11 CHAIRMAN EWAN: Thank you. I don't have any questions,  
12 anybody else have any? Thank you. I was just going to finish  
13 my comment about agreeing with both of you people. I believe  
14 if I was out in the woods, you know, I wouldn't be concerned  
15 about which specie I was -- you know, if I needed a meal, so I  
16 agree with Gary, maybe we are a little too restrictive. But  
17 then I want to be -- from Ben's standpoint, because I'd like to  
18 see this new specie increase in population in that area. I  
19 believe it would benefit the local people. But that's my  
20 comment.

21  
22 I have no strong recommendation one way or the other  
23 from my standpoint. This is the Peninsula's people's concern  
24 very much.

25  
26 MR. OSKOLKOFF: Mr. Chairman, my concern is -- in  
27 discussion with my council is that we're a little concerned  
28 that on one hand we're restricting other subsistence users who  
29 may travel to the area from partaking even on a somewhat causal  
30 basis in the taking of grouse and then on the other hand, we're  
31 introducing a species who is not native to the area. And I'm  
32 wondering to what end are we, as a Subsistence Advisory  
33 Council, working here if -- is the intention to help assist a  
34 "sport hunt" or is it the intent that over time that this will  
35 become a subsistence food and therefore, justify our protection  
36 of a particular species and closing down other areas from using  
37 this -- from using all the species, if you will, in this area  
38 for the time being. To me, there has to be compelling logic to  
39 restrict subsistence user in my opinion. Judging by the way  
40 we've been setup and the reason that we've been setup, there  
41 has to be a series of events take place and, of course, we've  
42 mentioned them in various different proposals before, whether  
43 it be a biological reason or other justification that was  
44 substantial. But there is justification here.

45  
46 I'm wondering to what degree that justification is  
47 considered substantial at this point. And to me, it seems like  
48 we're using a pretty low threshold of criteria in order to  
49 restrict some subsistence users and I'd just like to go on  
50 record that my criteria in my personal belief is that the

00230

1 criteria has to be a little stronger, the argument has to be a  
2 little more forceful, which is a similar comment to what I made  
3 to some subsistence users when they made a proposal that just  
4 didn't quite have enough information behind it to cause me to  
5 want to change to their proposal either -- go in their  
6 direction.

7

8 CHAIRMAN EWAN: Okay. Any other comments on the  
9 proposal. Did you have something else that you wanted to  
10 comment on?

11

12 MR. CHASE: Just a clarification, under State  
13 regulations now, there's a proposal now to limit the take of  
14 ruffed grouse to two per day and four in possession. It's  
15 intended so that somebody is not made a violator because they  
16 mistook a ruffed grouse for a spruce grouse. So under State  
17 regulations now, you can legally harvest ruffed grouse, but  
18 only two of the 15 bird bag limit.

19

20 CHAIRMAN EWAN: That would apply pretty much here,  
21 under this proposal? Oh, no, we're including.....

22

23 MR. ROMIG: We'd have to make a new proposal.

24

25 CHAIRMAN EWAN: Yeah, okay, no, that's not part of the  
26 proposal, okay. Further discussion on Proposal 34A?

27

28 MR. ROMIG: Mr. Chairman, I'd just like to add that,  
29 you know, we might be taking away some opportunity of, you  
30 know, like if you drove down to the Kenai and you wanted to  
31 shoot a grouse, but then -- you know, at the same time though,  
32 I think we want to kind of establish things that are  
33 traditionally done, too. I don't think it is traditional for  
34 people way up in Unit 11 to travel down to the Kenai to shoot a  
35 grouse. So you know, even though I don't like the idea of  
36 taking things away, I think it's kind of just a housecleaning  
37 to just make it that, you know, that rural residents of Unit 15  
38 and not include all those other units that are so far away.

39

40 CHAIRMAN EWAN: Fred.

41

42 MR. JOHN: Yeah, I think local subsistence hunters  
43 should have the first choice and I don't think it should be  
44 opened to all -- up to 20(A).

45

46 CHAIRMAN EWAN: So you're speaking in favor of the  
47 proposal?

48

49 MR. JOHN: Yeah, I'm in favor of the proposal.

50

00231

1 MR. ROMIG: Mr. Chairman, I'd like to address the fact  
2 that I think we could -- you know, we could probably adopt a  
3 proposal that would mirror the regulations of the State for  
4 ruffed grouse following this, which would take care of Gary's  
5 other concerns.

6  
7 CHAIRMAN EWAN: Okay, any other comments? Are we ready  
8 to vote on Proposal 34A?

9  
10 MR. OSKOLKOFF: Mr. Chairman, one other comment. In  
11 putting this together and living with it on the ground, it's  
12 been rather interesting that -- as I said before, we're talking  
13 about a restriction here to some degree of people who used to  
14 enjoy the ability to use grouse in this area. And then on the  
15 other hand, we're dealing with a hunt that has been introduced  
16 -- animals actually brought in, if you will, I guess it would  
17 go too far to call it a canned hunt, but essentially brought in  
18 for purposes that we question as to what the value is in the  
19 long run of doing that and what the detriment to other species  
20 might be, that, including the spruce grouse and even other  
21 species that may be taken along when one considers they have an  
22 option to hunt for a ruffed grouse in this area.

23  
24 I don't necessary disagree with Ben's idea that we can  
25 be more restrictive reasonably, but I think that the whole idea  
26 of the proposal leaves a pretty poor taste in my mouth that  
27 we're discussing doing things here without compelling reasons  
28 to do so, that is, introducing these restrictions without an  
29 actual direct line of logic from this is why, this is how and  
30 this is how it should be done. And with that, I'll go ahead  
31 and call for the question.

32  
33 CHAIRMAN EWAN: Question's called for. All in favor of  
34 -- was this amended, excuse me? I know I'm getting tired as  
35 everybody else is, the motion to adopt 34A, all in favor say  
36 aye.

37  
38 IN UNISON: Aye.

39  
40 CHAIRMAN EWAN: Opposed by the same sign.

41  
42 MR. OSKOLKOFF: Aye.

43  
44 CHAIRMAN EWAN: Could we have a vote by the show of  
45 hands here? All in favor of adopting 34A raise your right  
46 hand. Okay, opposed by same sign. Motion is carried.

47  
48 (Off record comments)

49  
50 CHAIRMAN EWAN: Go ahead and ask that question of Staff



00232

1 here.

2

3 MR. ROMIG: Mark mentioned that the State was going to  
4 have a two bag limit on ruffed grouse. Would it be appropriate  
5 at this time to follow 34A with a new proposal?

6

7 MS. MASON: Yeah, that would be a harvest and season  
8 limit proposal, which on this.....

9

10 CHAIRMAN EWAN: It's a separate deal altogether.

11

12 MS. MASON: .....is a customary and traditional  
13 proposal. So it would have to be a separate proposal.

14

15 CHAIRMAN EWAN: How about for the comment that Gary  
16 made, we just want to make sure that the Board knows, at least,  
17 Gary's concern about proposing something without any compelling  
18 -- what did he say, how did you say that Gary?

19

20 MR. OSKOLKOFF: Well, I think you were on to it there,  
21 compelling reason to restrict. I think the burden of proof  
22 should be substantial rather than what I saw here. I just  
23 didn't agree this was substantial. I think other people did.

24

25 CHAIRMAN EWAN: I want the Board -- the Federal Board  
26 to maybe know that, we have a concern about that.

27

28 MS. MASON: My only comment to that would be that what  
29 it is in response to is something that they're -- is the State  
30 determination that was adopted by the Federal program was one  
31 that was not based on established harvest patterns in those  
32 areas.

33

34 So it's becoming more restrictive from a very expansive  
35 c&t, but that's not one that was based on established patterns  
36 of use. So it would be a different thing if you mentioned the  
37 moose harvest, if there was some attempt to match the grouse  
38 c&t with where moose harvesting had occurred. And that sounds  
39 like a reasonable suggestion, but the c&t that you're facing  
40 the possibility of becoming a more restrictive problem is one  
41 that is from a variety of areas that here has never been any  
42 mention of harvest in those areas.

43

44 MR. OSKOLKOFF: If I could just comment on that. That  
45 we looked at the various regulations and the c&t determinations  
46 initially when we went into this and discussed them at length.  
47 And we really didn't find that. Generally at that time the  
48 discussion was that if it's incidental to other species being  
49 taken, if there are other species in the area, that you may not  
50 have the level of proof that you need that you would say for a

00233

1 large game animal that you might be there hunting one of. This  
2 would be incidental to that. And that was part of the  
3 discussion at the time.

4

5 CHAIRMAN EWAN: Okay. We're ready to go. I'd just  
6 like to comment on what you just said, this last comment you  
7 made. I'll reinforce your comment. You know, when I was  
8 little boy I remember I used to be sent out to hunt grouse.  
9 The elders usually didn't do that. I mean it was for the  
10 younger boys to go out and do that. And I agree.

11

12 And usually we were out in the woods. When we got the  
13 -- if we're over there, we get them for a meal but, you know,  
14 you didn't go out just specifically to hunt those grouse.  
15 You're right about that I believe. We're going to go on to  
16 34B.

17

18 MS. MASON: 34B this was the one that came from the  
19 Ninilchik Traditional Council asking for revised c&t for  
20 grouse. So according to the Council's wishes you could just  
21 reject it on the basis that you have already dealt with that  
22 question in the past in dealing with 34A.

23

24 CHAIRMAN EWAN: Is that it?

25

26 MS. MASON: That's it.

27

28 CHAIRMAN EWAN: Good. Any written comments pertaining  
29 to that proposal?

30

31 MS. EAKON: The comment that I gave you last time  
32 pertain to 34 and 35. So it's the same as what I read awhile  
33 ago.

34

35 CHAIRMAN EWAN: All right.

36

37 MS. EAKON: You want to re-hear it? Do you want.....

38

39 CHAIRMAN EWAN: No. No.

40

41 MS. EAKON: Okay.

42

43 CHAIRMAN EWAN: We don't need nor repetition. It's  
44 getting late here. We'll open it up to public comment from the  
45 floor. Anybody has any comment on this proposal? Any Agency  
46 comments? Yes, Ida.

47

48 MS. HILDEBRAND: Ida Hildebrand with the Bureau of  
49 Indian Affairs. I just wanted to state on the record that I go  
50 with Gary's statements that it is incidental hunting and it is

00234

1 used by youth who don't often judge which birds they're  
2 killing, other than it is a species that you eat. And that if  
3 these birds were introduced from the Interior, those Interior  
4 people undoubtedly already had c&t or already in their past  
5 histories used that particular bird.

6  
7 And I also agree with Gary that if you are here sitting  
8 as the Subsistence Board, the focus of -- I mean Subsistence  
9 Regional Council, excuse me, is to serve subsistence purposes.  
10 And I'm speaking to both the grouse and the ptarmigan. I  
11 realize you already voted on 34A and that it is.

12  
13 CHAIRMAN EWAN: Thank you.

14  
15 MS. HILDEBRAND: I just wanted to raise these points.

16  
17 CHAIRMAN EWAN: We appreciated your comments. Any  
18 further discussion on 34B? There had been a motion, hadn't  
19 there, to adopt?

20  
21 MR. OSKOLKOFF: There's no need for the motion.

22  
23 CHAIRMAN EWAN: Okay. Are you ready to vote on 34B?

24  
25 MR. OSKOLKOFF: There's no need for a motion.

26  
27 CHAIRMAN EWAN: Huh? There's no need for a motion?

28  
29 MR. OSKOLKOFF: It's rendered moot after the discussion  
30 on 34A, I believe.

31  
32 CHAIRMAN EWAN: Okay. There's no need. But we still  
33 have to for the record reject or do something with it, no?

34  
35 MS. MASON: I don't know. I would agree with Gary's  
36 interpretation.

37  
38 MR. OSKOLKOFF: Lack of action I think would be  
39 appropriate. If no one makes a motion we could simply move on  
40 to 35.

41  
42 CHAIRMAN EWAN: Okay. Hearing no motion, we'll move on  
43 to Proposal 35 then.

44  
45 MS. MASON: The analysis was the same for 34 and 35.  
46 This one deals with ptarmigan. So the recommendation for 35  
47 was to change the c&t for ptarmigan in Unit 15 to residents of  
48 Unit 15.

49  
50 CHAIRMAN EWAN: Any written comments?

00235

1 MS. EAKON: The comment I read previously is actually  
2 the same for 35.

3  
4 CHAIRMAN EWAN: The same. All right. Thank you very  
5 much. Any comment from the public? The floor here is opened  
6 for anybody that want to make a comment on Proposal 35. If  
7 there are no public comments we'll go to Agency comments.  
8 Okay. Then we'll take the next step. And for Council's  
9 deliberation and recommendation I'll entertain a motion to  
10 adopt Proposal 35.

11  
12 MR. ROMIG: So moved.

13  
14 CHAIRMAN EWAN: There's a motion to adopt Proposal 35.  
15 Is there a second.

16  
17 MR. DEMENTI: Second.

18  
19 CHAIRMAN EWAN: There's a motion and a second to adopt  
20 Proposal 35. Any discussion on the motion?

21  
22 MR. JOHN: I'd like to say I'm opposed to this. One  
23 reason is I live way up in Unit 13 and I say 13 -- I don't go  
24 all the way down the Kenai, you know, to subsist on ptarmigan.  
25 And I really am not guilt restricted but for c&t purposes our  
26 people can prove to me that people still go down and hunt on  
27 subsistence purpose. It's not that I'm not against limiting  
28 it, I just wanted to go through the c&t purpose and to that did  
29 show that they do hunt -- they do go down Kenai just for  
30 hunting for subsistence purpose. I don't see that.

31  
32 CHAIRMAN EWAN: You're speaking.....

33  
34 MR. JOHN: I'm for, yeah.

35  
36 CHAIRMAN EWAN: For. Okay. Any further discussion?

37  
38 MR. OSKOLKOFF: Mr. Chair.

39  
40 CHAIRMAN EWAN: Yes.

41  
42 MR. OSKOLKOFF: I would just like to reiterate my  
43 comments that I made on Proposal 34A, there -- the exact same  
44 comments on Proposal 35. And I'll just state that for the  
45 record in the interest of time.

46  
47 CHAIRMAN EWAN: Okay. Any other comments? Are you  
48 ready to vote on Proposal 35?

49  
50 MR. OSKOLKOFF: Question.

00236

1 CHAIRMAN EWAN: Question's been called for. All in  
2 favor of adopting Proposal 35, say aye?

3  
4 IN UNISON: Aye.

5  
6 CHAIRMAN EWAN: Opposed by same sign.

7  
8 MR. OSKOLKOFF: Aye.

9  
10 CHAIRMAN EWAN: Okay. I believe there's more in favor  
11 of this proposal, right? I rule in favor of -- that the motion  
12 has passed. Proposal 35 has been adopted. We go to Proposal  
13 36.

14  
15 MS. MASON: Thank you, Mr. Chairman. This is a  
16 proposal for a positive customary and traditional use  
17 determination for black bear in Unit 16(B). And under current  
18 regulation there is no c&t use determination in 16(B) for black  
19 bear. It's all rural residents.

20  
21 Our Staff analysis found that the ethnographic record  
22 provides strong evidence for the historical use of black bears  
23 by the Dena'ina Athabaskan residents of Unit 16(B). That  
24 research conducted by ADF&G Division of Subsistence in Tyonek  
25 in the early 1980's indicated that black bear were still hunted  
26 there, although harvests were quite low.

27  
28 And the research also showed that other communities of  
29 the Susitna Basin continue to hunt and utilize black bear.  
30 Those other communities include a settlement called Alexander  
31 that had 40 residents, I believe that was from the 1990 census,  
32 and Skwentna, which had 85 residents. And those two  
33 communities and Tyonek in Unit 16(B) can demonstrate a  
34 continuing interest in harvesting black bear. And each of them  
35 have a reliance upon a wide variety of resources.

36  
37 So our preliminary conclusion was to adopt the proposal  
38 for a positive c&t for black bear in that unit for the  
39 residents of 16(B). That's it.

40  
41 CHAIRMAN EWAN: Any comments?

42  
43 MS. EAKON: The Alaska Department of Fish and Game  
44 deferred their comments, Mr. Chair.

45  
46 CHAIRMAN EWAN: All right. Any comment for the public  
47 or the floor on this proposal? Okay. Any Agency comments?  
48 Okay. What does the Council want to do then on this proposal?  
49 For discussion purpose I would entertain a motion to adopt  
50 Proposal 36.

00237

1 MR. ROMIG: So moved.

2

3 CHAIRMAN EWAN: There's a motion to adopt Proposal 36.  
4 Is there a second?

5

6 MR. OSKOLKOFF: Second.

7

8 CHAIRMAN EWAN: Motion and second to adopt Proposal 36.  
9 Any further discussion on the motion?

10

11 MR. OSKOLKOFF: Mr. Chairman, what we're doing is we're  
12 eliminating all rural residents and we're just making it rural  
13 residents of 16(B)?

14

15 MS. MASON: At present all rural residents are  
16 qualified for subsistence hunts in 16(B), and this would be  
17 eliminating all but the residents of 16(B).

18

19 CHAIRMAN EWAN: Rather than 16 and Hope, is that  
20 correct?

21

22 MS. MASON: Well, at present it's opened to all rural  
23 residents of Alaska.

24

25 CHAIRMAN EWAN: Okay. I'm sorry, I didn't -- okay.  
26 I'm not following. Okay. I got it now. Any further  
27 discussion on the motion?

28

29 MR. OSKOLKOFF: Just a similar discussion to the last  
30 one. I'll make it short and to the point. I'm looking under  
31 the writing that we have here and I see a great deal of  
32 explanation as to why to include the people who live in Unit  
33 16(B), but I don't see a lot of reason to exclude the people  
34 who are outside of 16(B), biological or otherwise. And maybe  
35 I'm missing it.

36

37 MS. MASON: Yeah.

38

39 MR. OSKOLKOFF: I think it's important that we -- that  
40 the Staff work and the justification fit what we are actually  
41 doing. We are in effect restricting other people from using  
42 that. We are not adding the 16(B) people, therefore we don't  
43 have to make a grand argument for them, they're already in,  
44 they'll continue to be in.

45

46 MS. MASON: Right.

47

48 MR. OSKOLKOFF: No need to make that argument. What we  
49 need is an argument that goes in the other direction. Why is  
50 it we need to exclude all the other people? Is there a

00238

1 shortage of bears, is there just absolutely no usage? You  
2 know, it's just that we've run into these in similar places  
3 where the justification and the proposal don't mesh, and this  
4 is another one of them. And I would just like to bring that  
5 forward. Like I say, it's very similar concerns I had before.

6  
7 CHAIRMAN EWAN: Yes. Did you want to comment on this?

8  
9 MS. MASON: I can't comment on it. But it is a very  
10 good point.

11  
12 CHAIRMAN EWAN: Anybody want to comment; anybody else?  
13 Okay. Any further discussion?

14  
15 MR. JOHN: When you make a determination on say for the  
16 bear in 16(B), do go through the eight criteria?

17  
18 MS. MASON: Yes.

19  
20 MR. JOHN: And does that make the (indiscernible)  
21 throughout the State of Alaska to help the bear in this area?

22  
23 MS. MASON: No. As Gary just pointed out, the people  
24 that were discussed in the eight criteria were essentially just  
25 the residents of 16(B), although there is a certain amount of  
26 ethnographic information that applies to the Dena'ina people  
27 elsewhere from 16(B). But the recommendation was -- covers  
28 only the residents of 16(B).

29  
30 And so it would -- the net result, if the  
31 recommendation is adopted, would be to change from a no  
32 determination, allowing all rural residents to hunt there, to  
33 one that only residents of 16(B) have a positive c&t.

34  
35 CHAIRMAN EWAN: Any more comments on the proposal?

36  
37 MR. OSKOLKOFF: Mr. Chairman, I want to vote against  
38 this proposal for the reason I stated. And that if one takes a  
39 look at the map you'll see that, for instance, if a member of  
40 the Kenaitze happened to be across from the east forelands to  
41 the west forelands, they would then be in 16(B) and ineligible  
42 to take a bear if the reason or opportunity arose.

43  
44 And I just don't believe we have anything written here  
45 or any information that's been given to us from the public to  
46 compel us to do that. And so I'll vote against the proposal.

47  
48 CHAIRMAN EWAN: Okay. Any other comments?

49  
50 MR. OSKOLKOFF: Question.

00239

1 CHAIRMAN EWAN: Question's called for. All in favor of  
2 adopting Proposal 36, say aye.

3  
4 (No affirming responses)

5  
6 CHAIRMAN EWAN: Opposed by the same sign.

7  
8 IN UNISON: Aye.

9  
10 CHAIRMAN EWAN: Proposal 36 is rejected. We go on to -  
11 - are there any more proposals?

12  
13 MS. MASON: That's it.

14  
15 CHAIRMAN EWAN: Well, that's a lot of work. Okay.

16  
17 MS. MASON: Oh, M. Chairman?

18  
19 CHAIRMAN EWAN: Yes.

20  
21 MS. MASON: I've just found out there are some  
22 supplemental proposals that if the Council wishes to consider  
23 them they're all located in the Southeast region and they are  
24 ones that could affect your region also.

25  
26 CHAIRMAN EWAN: Did everybody hear that; that there are  
27 some more proposals that we can consider if we want to, that  
28 they affect this area here, our region. Is there any objection  
29 to hearing the proposals? Go ahead.

30  
31 MS. MASON: You have copies of them in your folders.

32  
33 CHAIRMAN EWAN: Okay.

34  
35 MS. MASON: They're all c&t proposals. There are three  
36 c&t proposals and they're all ones that affect Units 5 and  
37 6(A).

38  
39 CHAIRMAN EWAN: Where do you find it in our packet?

40  
41 MS. MASON: You should have gotten it in your -- you  
42 had a supplemental folder.

43  
44 CHAIRMAN EWAN: Oh, okay. Oh, there is it. Nope.

45  
46 MS. MASON: These are Proposals 14, 15 and 16, I  
47 believe. Do you want me.....

48  
49 CHAIRMAN EWAN: Go ahead and start. There's no  
50 objection from the Council so we'll go ahead and get started on



00240

1 them.

2

3 MS. MASON: Okay. Proposal 14 requests a positive c&t  
4 for mountain goat in Units 5 and 6(A). And our recommendation  
5 was to support the proposal with the modification that the  
6 residents of Unit 5(A), rather than Unit 5, have a positive c&t  
7 for goat in Unit 5. And the reason for the modification is  
8 that it's come up in the Southeast Regional Council over the  
9 last couple of years that Yakutat is the only permanent  
10 community in Unit 5.

11

12 And so the Council member from Yakutat thought it was  
13 more accurate to refer to residents of Unit 5(A). Apparently  
14 there are some non-permanent communities in 5(B) that he didn't  
15 want to have included. So that was in deference to the wishes  
16 of the Southeast Regional Council.

17

18 But the finding was based on the idea that the Yakutat  
19 residents have customarily and traditionally harvested goats in  
20 Units 5 and 6(A), and it's part of a long established seasonal  
21 route. So that the recommendation was to adopt with that  
22 slight modification.

23

24 CHAIRMAN EWAN: Okay. Any written comments on this?

25

26 MS. EAKON: Yes. On Proposal 14 there were three  
27 written comments. The Alaska Department of Fish and Game  
28 deferred comments. The Copper River.....

29

30 MR. HAYNES: I'm sorry, could you turn the microphone  
31 towards you? Thank you.

32

33 MS. EAKON: Okay. Fish and Game deferred comments.  
34 The Copper River/Prince William Sound Fish & Game Advisory  
35 Committee in Cordova, stated that they find this particularly  
36 insulting to the long-term users within the Unit and would  
37 further suggest that the precedent established by granting this  
38 request would be even more problematic elsewhere in the State.  
39 They say that the ADF&G has data documenting the historic  
40 harvest in Unit 6 by residents of the Unit.

41

42 And, thirdly, the Wrangell-St Elias National Park  
43 Subsistence Resource Commission supports this proposal. They  
44 say that the taking of goats did occur on Federal lands on the  
45 eastern portion of Unit 6(A). And that concludes the written  
46 comments.

47

48 CHAIRMAN EWAN: Thank you. Any comments from the  
49 public, from the floor here? Any Agency comments? Okay. For  
50 discussion purpose I will entertain a motion to adopt Proposal

00241

1 14.

2

3 MR. ROMIG: So moved.

4

5 CHAIRMAN EWAN: There's a motion to adopt Proposal 14.  
6 Is there a second?

7

8 MR. OSKOLKOFF: Second.

9

10 CHAIRMAN EWAN: There's a motion and a second to adopt  
11 Proposal 14. Any further discussion on the motion? Are you  
12 prepared to vote on Proposal 14? I'm not hearing any response.  
13 So I'm trying to get some response from the Council. I realize  
14 everybody seemed tired. There were many proposals to consider  
15 in the last two days. Any comments?

16

17 MR. OSKOLKOFF: Mr. Chair?

18

19 CHAIRMAN EWAN: Yes, Gary.

20

21 MR. OSKOLKOFF: I must be getting tired. According to  
22 the way I read this, only rural residents of Unit 5 would be  
23 able to -- would have a positive determination, I guess, in  
24 Units 5 and 6(A)?

25

26 CHAIRMAN EWAN: You want to answer that, Rachel?

27

28 MS. MASON: This is another one where it depends on how  
29 you interpret it. My reading of the proposal is that it does  
30 not deny to other residents, that it would be adding Unit 5 or  
31 Unit 5(A) residents to the current c&t determinations for 5 and  
32 6(A).

33

34 CHAIRMAN EWAN: Go ahead, Rachel.

35

36 MS. MASON: Okay. Looks like it is moving from a no  
37 determination, which is all rural residents, to specifically  
38 for rural residents of Unit 5. That's the present request.

39

40 CHAIRMAN EWAN: And you're recommending we adopt that?

41

42 MS. MASON: Yes. And I think the concern and one that  
43 might especially concern this Council, is that residents of  
44 Unit 6 might be denied the opportunity to hunt there. And  
45 there was some small harvest of goat in Unit 6(A) by residents  
46 of Cape Yakataga and Cordova. Each took one goat over the  
47 period 1986 to 1994. So that would be one thing to consider.

48

49 In the recommendation I didn't consider that a high  
50 enough level of harvest to warrant a customary and traditional

00242

1 determination. So that the recommendation was for residents of  
2 5(A) for that -- for 5 and 6(A) for goat.

3

4 CHAIRMAN EWAN: So does that answer your question,  
5 Gary?

6

7 MR. OSKOLKOFF: Yeah. And I just wanted to say, Mr.  
8 Chairman, I'm sure there's good reasoning behind it, given the  
9 reviews that its gone through, especially judging by the people  
10 who have proposed this, the various other advisory Councils and  
11 other members here. But I fail to understand what it is. I  
12 wish they were here to maybe enlighten us as to why rural  
13 residents of 5 should be in 6(A) and not residents of 6(A), (B)  
14 and (C) at the very least.

15

16 MS. MASON: In fact, there are several species that  
17 people of Yakutat, who are the elite community in 5, that have  
18 traditionally harvested in 6(A). And we've seen that in the  
19 past with the proposal for brown bear, that there were certain  
20 parts of 6(A) that were traditional hunting grounds for a  
21 particular clan. And I don't know of any communities in 6(C),  
22 which is the closest communities that I know on the 6 side that  
23 do use 6(A) in that manner. So it is adjacent to Unit 5 and  
24 has been traditionally used.

25

26 CHAIRMAN EWAN: Okay. Any further discussion on  
27 Proposal 14?

28

29 MR. OSKOLKOFF: Mr. Chairman, I appreciate the  
30 information that Rachel just gave me. That might give me a  
31 little more reason or insight into how this was going, but I  
32 really still don't understand, you know, why exactly this goes  
33 together. I'm sure that it's a very simple reason. If  
34 somebody could just -- come off the tip of somebody's tongue  
35 and it could enter my brain and make a lot of sense, but right  
36 now it doesn't and I would think that it might be wise for us,  
37 unless other members of the Council aren't confused at all by  
38 this, to deter this until such time as perhaps we can get  
39 better comments from at least the other Advisory Councils  
40 involved.

41

42 MS. MASON: Yeah. There has been testimony in the past  
43 given by the residents of Yakutat who's on the Council, and  
44 that's probably the person whose tongue it would be on -- it  
45 would be on the tip of his tongue because there is information  
46 on traditional areas of hunting in 6(A).

47

48 CHAIRMAN EWAN: Are you suggesting, Gary, an  
49 alternative action or.....

50

00243

1 MR. OSKOLKOFF: Yes.

2

3 CHAIRMAN EWAN: That would be to what, to reject this  
4 proposal.....

5

6 MR. OSKOLKOFF: Defer it until the next meeting when we  
7 can get more information on it.

8

9 MR. ROMIG: Yeah, I'd like to add to that too, you  
10 know, that Ralph's -- you know, bearing in mind too that  
11 Ralph's not here and this affects his area.

12

13 CHAIRMAN EWAN: Did everybody hear that? Okay.

14

15 MR. JOHN: I'd feel more comfortable leaving it till  
16 later on.

17

18 CHAIRMAN EWAN: I'm just trying to see how we could do  
19 that. I agree with you people. But how do we do this? It was  
20 to table.....

21

22 MR. OSKOLKOFF: Yeah. A motion to table it to the next  
23 meeting, or would that be appropriate? I'm not that well  
24 versed in Robert's Rule.

25

26 CHAIRMAN EWAN: Well, that would be the Robert's Rule,  
27 but would that do it from the Staff standpoint and do we have  
28 time to deal with it any further down the road. Not between  
29 now and the Board meeting, right?

30

31 MS. MASON: Mr. Chairman, all three of the proposals  
32 are similar. That they all deal with Units 5 and 6(A).

33

34 MR. OSKOLKOFF: Mr. Chairman, can I ask, has there been  
35 a meeting between the two Rural Advisory Councils or  
36 representatives of?

37

38 CHAIRMAN EWAN: I guess we can have one if we -- I  
39 don't know what the problems would be. Can we -- Helga, can we  
40 have a meeting with the other Council, the Southeast to discuss  
41 this a little further?

42

43 MS. EAKON: If you want to have such a meeting, there  
44 would not be time between now and Board meeting. We have a  
45 full plate. So if you're going to table, you're going to have  
46 to table till a year from now, I would think.

47

48 MS. MASON: Mr. Chair?

49

50 CHAIRMAN EWAN: Yes.

00244

1 MS. MASON: Robert just mentioned to me that if the  
2 proposal for the ceremonial moose for Eyak Tribe was deferred  
3 till August, that might not be a bad time to bring up these  
4 other Unit 6 proposals, or to have a meeting to discuss them  
5 because it would also be in the same unit.  
6

7 MR. WILLIS: Apparently there's no Federal subsistence  
8 priority for moose in Unit 6 for anyone. And the Village of  
9 Eyak is going to request (indiscernible). One of the proposals  
10 here also ask for customary and traditional use of moose in  
11 Unit 6(A), but exclusively for the residents of Unit 5. So  
12 both of those deal with.....  
13

14 CHAIRMAN EWAN: So our action could be to deter them  
15 until that meeting? I think the proper thing to do would be  
16 just to withdraw the second and the motion.  
17

18 MR. OSKOLKOFF: Seems reasonable.  
19

20 CHAIRMAN EWAN: Is that agreeable? Who made the  
21 motion?  
22

23 MR. OSKOLKOFF: Did Ben make the motion?  
24

25 CHAIRMAN EWAN: Withdraw your motion on this proposal?  
26

27 MR. JOHN: I don't know who made it.  
28

29 MR. ROMIG: Okay. I made it.  
30

31 MR. JOHN: And Gary seconded it.  
32

33 CHAIRMAN EWAN: You're agreeable to withdraw your  
34 motion?  
35

36 MR. ROMIG: Yes.  
37

38 CHAIRMAN EWAN: All right. The motion is withdrawn.  
39 We'll.....  
40

41 MR. WILLIS: Mr. Chair?  
42

43 CHAIRMAN EWAN: Yes.  
44

45 MR. WILLIS: Excuse me. We have someone from the Staff  
46 Committee here who would like to be heard.  
47

48 CHAIRMAN EWAN: Certainly. Yes. Are you speaking on  
49 Proposal 14?  
50

00245

1 MS. FOX: Peggy Fox. On your process with regard to  
2 deferring this action.

3  
4 CHAIRMAN EWAN: Oh, okay. Right. Yes. Okay.

5  
6 MS. FOX: I'm Peggy Fox with BLM and I'm on the Staff  
7 Committee. Just wanted to for your consideration suggest that  
8 it's possible at the Southeast's Council meeting next week,  
9 they may not want to defer. They may choose to take action  
10 and, you know, reject/adopt, whatever. In which case at the  
11 April meeting of the Board you'll have your Council coming in  
12 to defer, them coming in with a motion to adopt or reject or  
13 some other kind of action. And it would probably result in --  
14 I mean it could go either way. I mean the end result of that  
15 discussion, the whole thing could be deferred or there could be  
16 some action taken at April regardless of your recommendation.  
17 So I just wanted to bring that to your attention. That it's  
18 gone both ways at different times.

19  
20 CHAIRMAN EWAN: Thank you. Thank you for your comment.  
21 I think what we're just concerned about is we're uncomfortable  
22 with the proposal. We don't want to approve of it as it is  
23 without some further input from the people that are effected  
24 and all of that. Is that what you're saying, Gary?

25  
26 MR. OSKOLKOFF: Yeah. My concern is similar to another  
27 issue we had before, in that except for the fact that this  
28 proposal deals with 6(A), it is outside of our area. And then  
29 we would be without benefit of the discussion that goes on in  
30 the Southeast area, we would be making a decision to restrict  
31 people who are in our area from using part of their own area.  
32 And I feel really uncomfortable with that without, you know,  
33 hearing from all parties, at least.

34  
35 Like I say, there may be a very real reason and that  
36 reason could be as simple as the line is drawn in the wrong  
37 place, compared to what has happened over the years and  
38 therefore it just happens to cross right there. And that  
39 the.....

40  
41 CHAIRMAN EWAN: Okay. What is the wish of the Council  
42 on what our action -- someone want to make a motion to defer it  
43 until when? The other proposal you said was.....

44  
45 MR. WILLIS: I mentioned the August Board meeting  
46 because that's the time that the Eyak Council had said that  
47 they wanted to have their proposal for c&t for moose in Unit 6  
48 dealt with.

49  
50 CHAIRMAN EWAN: Okay. I'll entertain a motion to that

00246

1 effect.

2

3 MR. OSKOLKOFF: Mr. Chairman, I think it was mentioned  
4 before, and I'm trying to check very quickly here, because  
5 these motions are all -- all had a similar problem in that  
6 they're dealing with rural residents of Unit 5 and involving  
7 Unit 6(A). Do they all have that in common?

8

9 MR. WILLIS: Yes. All three proposals would restrict  
10 customary and traditional use in 6(A) strictly to residents of  
11 Unit 5.

12

13 MR. OSKOLKOFF: In that case, Mr. Chairman, I would  
14 suggest that we defer all I believe three proposals that we  
15 have before us at this time, pending the outcome of some  
16 discussion and discovery regarding the question that we brought  
17 up today.

18

19 CHAIRMAN EWAN: Okay. You're making that in the form  
20 of a motion?

21

22 MR. OSKOLKOFF: I'll move that and also add that we  
23 bring this to the table at our next meeting.

24

25 CHAIRMAN EWAN: Is there a second.

26

27 MR. ROMIG: I second the motion.

28

29 CHAIRMAN EWAN: There's a motion and a second to defer  
30 the proposals -- which ones are they, all of them that we have  
31 in this package?

32

33 MS. MASON: All three, 14, 15 and 16.

34

35 CHAIRMAN EWAN: That Proposal 14, 15 and 16 be deferred  
36 till the next Board meeting, which is again when? I forgot the  
37 date already.

38

39 MR. WILLIS: The August is as close as we could come.  
40 We don't have a date.

41

42 CHAIRMAN EWAN: Okay. We need -- are we okay as far as  
43 process without hearing the other proposals?

44

45 MR. WILLIS: You're probably asking the wrong person.

46

47 CHAIRMAN EWAN: Any further discussion on the motion?  
48 Are you prepared to vote on the motion?

49

50 MR. OSKOLKOFF: Question.

00247

1 CHAIRMAN EWAN: Question is called for. All in favor  
2 say aye.

3  
4 IN UNISON: Aye.

5  
6 CHAIRMAN EWAN: Opposed by the same sign.

7  
8 (No opposing responses)

9  
10 CHAIRMAN EWAN: Motion's carried. Okay. We'll have a  
11 10 minute break.

12  
13 (Off record)

14  
15 (On record)

16  
17 CHAIRMAN EWAN: I will call the meeting back to order.  
18 We just got done with the supplemental Proposals 14, 15 and 16.  
19 Our next item on the agenda would be old business, right?  
20 Where's Helga? Helga, you want to get into the old business  
21 now, is that correct? Unless, Ralph, do you have any comments  
22 pertaining to the proposals I just mentioned, 14, 15 and 16?

23  
24 MR. LOHSE: I have no comments on the proposals right  
25 here, but I can give you some background on the whole issue  
26 down there, just to bring the Council up to date and then the  
27 Council can decide what they want to do.

28  
29 CHAIRMAN EWAN: Is that all right with the Council  
30 members?

31  
32 MR. LOHSE: Okay. I'll just go over here and use this  
33 map here. To give a little background to what the past is,  
34 we're dealing with.....

35  
36 MR. HAYNES: Pardon me, sir. Could you grab one of the  
37 microphones.

38  
39 MR. LOHSE: I sure could.

40  
41 DAVE: Thank you.

42  
43 MR. LOHSE: Okay. We're dealing with 6(C), (B) and  
44 (A). There's two issues at hand, one is the goat. And if I  
45 understand right, what we have is we've got the folks in 5 down  
46 here wanting c&t for goat in 6(A). That probably, in my way of  
47 thinking, they probably do have customary and traditional on  
48 goat in 6(A) from the past.

49  
50 There has been some use I'll say from the community of



00248

1 Cordova down in 6(A). Goats -- right now what we have going on  
2 down here is we've got some logging and everything going on.  
3 It's a very short goat season at this point in time. Goats are  
4 a real big issue as far as the people from Cordova is concerned  
5 down in the 6(A) area.

6  
7 However, when we start dealing with moose, I read the  
8 report that was given there and it talked about moose down in  
9 the Yakutat area coming up from the Alsek River. However, all  
10 of the moose in 6(A), 6(B) and 6(C) are a result of the  
11 transplant that took place in the 50's where the moose were  
12 basically raised -- they brought moose into Cordova raised in  
13 the post office lawn (ph) for lack of a better way of putting  
14 it and released them in the early 50's on this side of the  
15 Copper River.

16  
17 At that point in time the moose herd took off on this  
18 side of Copper River and it has since then spread down here  
19 through all Units of 6(A), 6(B) and 6(C). So the moose in this  
20 area here in 6(A) are probably newer than 1960.

21  
22 And on the other side of Icy Bay, you've got moose  
23 coming up from the Alsek River. The majority of the harvests,  
24 if you look at your records, the majority of the harvests in  
25 6(A) and 6(B) and 6(C) have all come out of Cordova itself.  
26 It's always been thought of as a Cordova moose herd to the  
27 point that we even manage the season down in the Bering River  
28 to give local residents classes of meat herd for the local  
29 people. And the seasons are regulated in such a way to produce  
30 the most amount of meat as possible for the community of  
31 Cordova.

32  
33 This is one of the success stories of game management  
34 in Alaska in the last 40 years. They've managed to maintain a  
35 fairly viable population. It's been viable enough that this is  
36 one of the few places in the State that has a cow hunt. It's  
37 always -- always, except for a couple of years, been done on a  
38 drawing basis. Almost everybody in the community puts in for  
39 the drawing and most of the moose are shared. Very few people  
40 go out and go moose hunting by themselves. It's anywhere from,  
41 you know, two to three to four families sharing in one moose  
42 permit.

43  
44 And so consequently we don't have a c&t for this at  
45 this point in time. To give Unit 5 a c&t -- if I remember  
46 right, and I'd better go back and look at the papers, but to  
47 give Unit 5 a c&t in 6(A), when the people of Unit 6 don't even  
48 have a c&t in 6(A) would basically give Unit 5 a priority on  
49 that. And if you take a look at your records you'll find that  
50 the majority, the vast, vast majority of these moose have been

00249

1 taken by the people from Cordova. Any questions?

2

3 CHAIRMAN EWAN: Anybody confused?

4

5 MR. LOHSE: Anybody confused? Are you confused, Roy?

6

7 CHAIRMAN S. EWAN: No.

8

9 MR. LOHSE: Could you understand what I was saying?

10 That basically we have an isolated herd in the past. We've got  
11 moose up here in the Bremner (indiscernible) but they've never  
12 gone past the Miles and Charles Glacier coming down the Copper  
13 River. So up until then there was no moose in this section of  
14 the country. In the 50's the moose were -- basically what was  
15 taken was orphans off of railroad kills off the Alaska  
16 Railroad, and were brought down to Cordova -- flown down to  
17 Cordova Mud Hole Smith, raised in the post office parking lot  
18 and then turned loose on the Copper River Delta. And that was  
19 the establishment of the moose herd that you see now in 6(A),  
20 (B) and (C).

21

22 CHAIRMAN EWAN: What happened to the ones that lived  
23 down river?

24

25 MR. LOHSE: For some reason or another they never go  
26 down (indiscernible). Maybe they got caught in the Abercrombie  
27 rapids and didn't make it. So this is why at this point in  
28 time I would probably oppose a c&t for 5 and 6(A) when you  
29 haven't even addressed whether the people who use it the most  
30 have a c&t.

31

32 CHAIRMAN EWAN: So having heard that, does the Council  
33 want to reconsider our actions? Okay. Hearing none then we'll  
34 move on then. Okay. Unless you want to recommend anything? I  
35 don't want to.....

36

37 MR. LOHSE: I don't know what kind of action you took  
38 other than.....

39

40 CHAIRMAN EWAN: We deferred the -- because you  
41 were.....

42

43 MR. LOHSE: I'm sorry it took so long to get back. And  
44 I didn't realize it took that long to deal with the emergency  
45 room in Anchorage.

46

47 CHAIRMAN EWAN: The comments I heard informally outside  
48 of the meeting was that the Federal Subsistence Board might get  
49 the wrong message if one Council's recommending to adopt a  
50 proposal and the other recommended defer. And.....

00250

1 MR. LOHSE: I would hate to give them that kind of a  
2 message because I know that -- I have to go back and look at  
3 the figures, but the figures distinctly show that that moose  
4 herd have mostly been harvested by residents of Cordova ever  
5 since it's been the existence. And Cordova is a -- Cordova's  
6 class is a rural community. It's a Native -- non-Native  
7 community that pretty much along the lines of what we've talked  
8 about in the past.....

9  
10 CHAIRMAN EWAN: Well, let's try to move this along. Do  
11 you want to reconsider our previous action then? Any of you  
12 Council members? I will ask that again because it have to be  
13 the people that voted yes, to bring it back for  
14 reconsideration.

15  
16 MR. OSKOLKOFF: Mr. Chairman, I don't think that we  
17 necessarily need to reconsider them, but I might suggest that  
18 given the expert testimony by Ralph here that it gives us a lot  
19 of insight into why we should perhaps have a little more  
20 discussion as to how this is going to fit together and maybe  
21 his points could be brought to the Board as our view as to why  
22 we believe that it needs to be looked in further before they  
23 take action.

24  
25 MR. LOHSE: My feeling would be that hopefully they  
26 will defer it until the issue of Cordova c&t can also come up.  
27 That would be.....

28  
29 CHAIRMAN EWAN: Rachel.

30  
31 MS. MASON: Mr. Chairman, I just wanted to point out  
32 that I don't know if you're all aware that on Proposal 15 which  
33 deals with moose, that was the recommendation, was to modify it  
34 to give a positive c&t to the resident both of 5(A) and Unit  
35 6(C), which would include Cordova. So all three of them are  
36 not eliminating Cordova from -- and especially from moose.  
37 That was the recommendation to include Cordova.

38  
39 CHAIRMAN EWAN: All right. Our action is agreeable  
40 with you then, Ralph? Okay. We'll move on then, okay. The  
41 next item is Update on Implementation of Federal Subsistence  
42 Fisheries Management. And, Taylor Brelsford, thank you for --  
43 you're all ready?

44  
45 MR. BRELSFORD: I promised Helga I was going to exceed  
46 her expectations by brevity this time. So what we have is a  
47 presentation using the overheads for a few minutes and then a  
48 chance to look at several key aspects of the Proposed Rule.

49  
50 These overheads are in your materials, if you would

00251

1 rather read there, otherwise we'll move along. Put the next  
2 one on, please.

3  
4 I'd like to be real specific about the purpose. We  
5 want to provide you some information on the environmental  
6 assessment, the environmental review. That's informational  
7 only, unless you've got a lot of comments to offer, and we're  
8 not seeking out comments on that topic at this point.

9  
10 On the second item, a consultation with you regarding  
11 the Preliminary Draft Proposed Rule, we would like your input  
12 today, if you wish, or comments can be submitted by March 3rd.  
13 So the first item is informational, the second one is intended  
14 for discussion as much as you guys want to weigh in on it at  
15 this point.

16  
17 I'd like to be sure we're all sort of focused here on  
18 the context, some of the milestones that have brought us to  
19 where we are today. And this is all about implementation of  
20 the Katie John case. As you've heard several times before, the  
21 key starting point in the Ninth Circuit court decision in March  
22 of '95. The next step was the Advanced Notice of Proposed Rule  
23 Making, some hearings that were held throughout Alaska in April  
24 of 1996. I think several of you participated in those  
25 hearings. They were held in 11 sites around the State and they  
26 were primarily focused on jurisdiction questions; what waters  
27 would be effected, question of extra territoriality.

28  
29 There was quite a lot of public interest in those  
30 meetings. So this is all part of following-up. Basically the  
31 notion here is the Department of Interior is not willing to  
32 just drop this on the public all in one shot. We realize that  
33 it's a controversial and a complex problem that requires  
34 several points of discussion with our public. So the Advanced  
35 Notice in April of '96 was an effort to get a start on that  
36 discussion.

37  
38 This fall, in September of '96, some staff work started  
39 looking at environmental impacts of Federal Subsistence  
40 Fisheries Management and working on drafting Proposed Rules and  
41 specific seasons and bag limits and so on.

42  
43 The final point is very important here. The Congress  
44 passed a moratorium prohibiting us from implementing, from  
45 actually making any changes on the fishing grounds through the  
46 end of this fiscal year, through October of '97. So what we  
47 have now is court direction to move ahead. We can take some  
48 planning steps, but we can't go to full implementation until  
49 after October of '97, due to the Congressional moratorium.

50

1           This again notes that there are two separate  
2 components, the Environmental Assessment and the Proposed Rule,  
3 both of those are intended to go to Washington in April of this  
4 year, but the subsequent steps, actual publication of the  
5 Proposed Rule and public hearings and so on, that's not  
6 scheduled at the present time. There's still a lot of  
7 discussion with the Secretary's office with the Alaska  
8 delegation and with the Governor's office about trying to  
9 reconcile State and Federal programs before the actual  
10 fisheries management changes.

11  
12           The Environmental Assessment follows a kind of standard  
13 -- outline a standardized format. I think probably over the  
14 years some of you have seen environmental impact statements, or  
15 they do the short form, it's called an environmental  
16 assessment. We're doing the short form. What this slide shows  
17 you is some clustering of regions in units that are  
18 ecologically significant for fisheries.

19  
20           So the Yukon-Kuskokwim region, for example, joins  
21 together the entire watershed of the Yukon and Kuskokwim  
22 Rivers. That's three separate Regional Councils. You might  
23 recognize like Eastern Interior, Western Interior, and Y-K, but  
24 for environmental purposes that's really one unit, one  
25 watershed with the same fish stocks. And so their clustering  
26 is an effort to analyze fisheries based on natural ecological  
27 units. So the chapters in the Environmental Assessment will be  
28 broken out by these geographic units or these watershed units.

29  
30           It wouldn't be the government if you didn't analyze  
31 alternatives. The great form, structure, for environmental  
32 impact statements are environmental reviews is to have  
33 alternative I, II and the preferred alternative. I want to say  
34 just a word to you about how those are set out.

35  
36           Alternative I would be no action, no taking of Federal  
37 jurisdiction, and that's not what the court told us to do. So  
38 it's kind of a straw-man for the purposes of analysis. In  
39 effect that's not an option for the government. We've been  
40 directed by the court to extend jurisdiction.

41  
42           Alternative II would extend jurisdiction to waters in  
43 the Conservation Units. That's to say parks, refuges, national  
44 forests -- what am I missing? Wild and scenic rivers, thanks.  
45 And the limited -- the narrowing in Alternative II is that some  
46 of the in-holdings, for example, Native Corporation lands  
47 located inside of a park or inside of a national wildlife  
48 refuge, waters in those in-holdings would not be affected. So  
49 that's generally the nature of Alternative II.

1           Alternative III Is the same alternative that you saw at  
2 the Advanced Notice meetings and its' actually the alternative  
3 mapped here in the map behind Rachel. And the key difference  
4 is that waters inside the boundaries of a conservation unit,  
5 even if it's an in-holding in Native Corporation ownership, for  
6 example, waters inside the outside boundary of the refuge or of  
7 the forest -- of a park, those waters would be affected, would  
8 come under the Federal jurisdiction. This again is exactly  
9 what the court found. This is the one that the court  
10 specified.

11  
12           I'll make a little bit of a qualification as we move  
13 through the language of the Proposed Rule about Forest Service  
14 lands and in-holdings, but for now the general picture is  
15 Alternative III is what the court asked us to do, directed us  
16 to do and waters inside of conservation units, even if they're  
17 on Native Corpora -- in an in-holding, those waters would be  
18 affected under the court's decision. And that's the version  
19 that is analyzed in Alternative III.

20  
21           To give you a bit more concrete example for the  
22 Southcentral Region, under Alternative I all of the miles of  
23 rivers and streams would remain under State jurisdiction.  
24 There would be no transfer of waters under Federal  
25 jurisdiction.

26  
27           In Alternative II, which treats in-holdings in a  
28 special way, 12 percent of the river mileage in Southcentral  
29 Alaska would come under Federal jurisdiction. And under  
30 Alternative III, the preferred alternative that squares with  
31 the court's guidance, 15 percent of the river mileage would  
32 come under Federal jurisdiction.

33  
34           I haven't said it again this time but let me mention  
35 it, these are inland navigable waters, non-marine waters. I  
36 think we're starting to get out rhythm about this, but offshore  
37 marine water systems are not affected by the Katie John  
38 decision.

39  
40           The middle portion of the Environmental Assessment will  
41 talk about the affected environment, what's out there kind of  
42 baseline description. And the key issues in the Southcentral  
43 area are the great population centers, the complexity of  
44 interest groups and of pressure on resources. And, secondly,  
45 the Copper River and Kenai River systems are the principal  
46 waters affected by the Katie John decision. And you all are  
47 plenty familiar with the user group conflicts and the  
48 complexity of run timing and of interactions between commercial  
49 fisheries and sport fisheries and so on. And we don't need to  
50 dwell on that.

1 In the third portion of the Environmental Assessment  
2 the approach is to try and analyze what the environmental  
3 affects of each of the alternatives would be. And what the  
4 science team is working on is to try and identify which  
5 villages would be affected by the new Federal jurisdiction,  
6 which villages are adjacent to waters that would come under  
7 Federal jurisdiction. So under Alternative I none of the  
8 villages would be adjacent to Federal waters because there  
9 would be no Federal waters in Alternative i.

10  
11 Under Alternative II, two communities would be adjacent  
12 to Federal waters. And under Alternative III, on our mistake  
13 on the last line, eight villages would find themselves adjacent  
14 to Federal waters. Okay.

15  
16 One of the key issues that's been raised in the public  
17 discussion has to do with customary trade. And I think that  
18 the starting point on this is that the Federal Subsistence  
19 Board recognizes the need to protect traditional practices. At  
20 the same time there have been concerns raised about the  
21 possibility for misuse of customary trade, for new levels of  
22 harvest under subsistence regulations with those fish actually  
23 being turned into commercial channels. So concerns about  
24 misuse of the customary trade opportunities have been raised.

25  
26 There's some historic examples in Western Alaska, at  
27 one point roe sales of subsistence caught fish were permitted  
28 and there was a problem. So that's kind of the basis and  
29 experience. We're trying to be a little cautious about  
30 customary trade.

31  
32 The final item indicates that the Federal Subsistence  
33 Fisheries Program would try to use what's called best  
34 management practices. It's kind of a buzz word to say that  
35 conservation still comes first. We don't take chances with the  
36 resource. So careful monitoring of run timing, careful  
37 monitoring of impact from the fleets, those standards for  
38 careful management would continue under a Federal program.

39  
40 Oh, on, you surprised me. They're out of sequence. I  
41 think maybe we've already touched on this a little bit, but  
42 there have been several rounds of public involvement so that  
43 this is not just plopped out one time and try all of us to  
44 figure out what it means. The Advanced Notice meetings were  
45 held in May of '96, as we mentioned before. Then in the fall  
46 Regional Councils there was a kind of very basic and  
47 preliminary discussion about the waters that were affected. I  
48 think we talked about the maps a bit.

49  
50 And the third item, at that same time in September and

00255

1 October, we sent out a mailing to interest groups, people on  
2 the subsistence mailing list, fisheries organizations,  
3 traditional Councils and the coastal communities to provide the  
4 same information that went to the fall Council meetings and to  
5 ask for their comments on the same information. So there have  
6 been three steps of public outreach so far and that, you know,  
7 this meeting -- this set of meetings with winter with the  
8 Regional Councils would be the next step afterwards.

9  
10 Let me close and ask for questions about the  
11 Environmental Assessment. Perhaps this will take us to the  
12 rules -- the regulation step. So let me just stop and see if  
13 there are any questions about why we're doing this, what's the  
14 approach on the Environmental Assessment, any questions on the  
15 Environmental Assessment portion.

16  
17 CHAIRMAN EWAN: Do I recall you had a timeline on that?

18  
19 MR. BRELSFORD: We did have an estimated timeline in  
20 the fall. That's quite right, Mr. Chairman. And we've  
21 basically scaled that back. We can identify the very next  
22 step.....

23  
24 CHAIRMAN EWAN: I just wanted to know how much time  
25 that would allow for that. If nothing -- if everything went  
26 according to how you planned it at the very beginning, how long  
27 would it have taken for that assessment?

28  
29 MR. BRELSFORD: Okay. The identifiable steps, the  
30 Proposed Rule, the Proposed Regulations and the Environmental  
31 Assessment are due in Washington in April. If there's no  
32 change in the direction from the Secretary, the publication of  
33 the Proposed Rule and some public hearings would probably occur  
34 in summertime. That has not been specifically scheduled.

35  
36 Now they're telling us that it's pretty up in the air,  
37 but if they kind of keep in step, the step after Washington  
38 review would be publication of the Proposed Rule and public  
39 hearings during the summer. The last set would be publication  
40 of a Final Rule that creates legal regulations. And we're not  
41 allowed to do that until October of '97. So the earliest that  
42 could possibly occur would be after October.

43  
44 I guess the end of the -- what this is all about is  
45 trying to create subsistence harvest seasons and at the  
46 earliest that would be in calendar '98, and after the New Year  
47 in '98 at the very earliest. You're all aware of the same kind  
48 of political tensions that are gumming all of this up that we  
49 work with internally. So it's not a matter of, you know,  
50 unwillingness to do what the court's have directed, it's



00256

1 because of some very high level disputes between the State and  
2 the Federal governments and the Congress and the Department of  
3 Interior.

4  
5 I think the best we can do is try and keep you informed  
6 and, you know, provide the information on each step as it  
7 becomes clear to us. So that's kind of where we are on the  
8 Environmental Assessment this far.

9  
10 Okay. What this slide shows -- I'm actually going to  
11 ask you to turn with me to the material in the booklet. It's  
12 at Tab E, about 20 -- about 10 pages in you'll find a section  
13 that says at the top, Region II, Regional Council Review Draft.  
14 And this is actually the draft language of the Proposed  
15 Regulations.

16  
17 Okay. To proceed, what this slide points out is that  
18 there are four parts in the regulations. Subpart A and B,  
19 Subpart C and then Subpart D. And just in broad overview  
20 Subpart A and B is the sections that treat the jurisdiction,  
21 which waters would be affected under it, and they create the  
22 structure of the Federal Subsistence Program, the Board and its  
23 responsibilities, the Regional Councils and their  
24 responsibilities. It's kind of the organizational chart or  
25 organizational section of the regulations.

26  
27 Subpart C talks about the c&t determinations, and then  
28 Subpart D is the seasons and bag limits, the kind of, you know,  
29 specifics of the subsistence seasons. I'm going to move kind  
30 of quickly through this and just highlight sort of the big  
31 issues that are identified and then if we have questions we'll  
32 come back.

33  
34 If you turn with me to the page two you'll see in  
35 highlighted text a long list of conservation units, the  
36 refuges. Actually, Michelle, we could go ahead and turn off  
37 the overhead. You'll see a long list of conservation units.  
38 That identifies the waters that would be affected by the Katie  
39 John decision. That's the specific legal language. We refer  
40 to it often and early and impress your friends.

41  
42 The maps mean the same thing as the legal language.  
43 It's obviously a lot easier for any of us to look at a map and  
44 see the red watershed, the waters that are affected by the  
45 Katie John decision. But this is how it shows up in the  
46 regulations book if you wanted to look at it with any special  
47 -- for a special question.

48  
49 On page three, about the top quarter of the page,  
50 there's a subsection two that refers to public lands inside the

00257

1 Chugach National Forest and the Tongass National Forest. I'd  
2 take a little second with you on that because there is a  
3 different interpretation between the Forest Service and the  
4 Department of Interior agencies on how in-holdings are  
5 affected.

6  
7 So the waters -- oh, I regret we don't have Southeast  
8 where the Tongass is shown. The web lines for watershed  
9 affected in the Chugach National Forest, the green section in  
10 Southcentral there, those are accurate. They reflect the  
11 Forest Service special treatment of in-holdings, whereas on the  
12 refuge or in the parks the treatment of in-holdings is as  
13 described earlier in the page. Just take from this that  
14 there's a bit of a difference in how the waters are defined  
15 between Forest Service lands and Department of Interior lands.  
16 I think the fine print, you know, we'll get to at some point  
17 later on if it ever comes up. But I did want to mention it to  
18 you.

19  
20 I think perhaps the next most important question is  
21 found on page seven at the -- where the bold heading says  
22 Subpart B, Program Structures. And paragraph subsection (a)  
23 talks about the Secretaries of Interior and Agriculture. This  
24 is where the question of extraterritorial authority is  
25 addressed. And it's one of the most controversial questions  
26 that was in the Katie John decision and in the Advance Notice  
27 of Proposal Rule Making.

28  
29 The basic idea of extraterritorial jurisdiction is that  
30 the Federal government has the right to extend its jurisdiction  
31 off Federal lands if it's necessary to protect subsistence uses  
32 on Federal lands. What is specified here in the shaded  
33 language is that it's the Secretaries who would make the  
34 decision. The authority is -- it's an existing authority, it's  
35 already in Federal law, there's no change, no addition. And  
36 what's being said here is it's the Secretaries who would have  
37 to make such a decision, not the Federal Subsistence Board.

38  
39 So if there were a dispute about fisheries at the mouth  
40 of the Copper River, alleging that activity at the mouth of the  
41 Copper River made it impossible for subsistence users to meet  
42 their needs in the Federal waters upstream, that sort of  
43 dispute would be an extraterritorial problem in regulation and  
44 what this says is that would have to go all the way to the  
45 Secretaries, it could not be addressed by the Federal  
46 Subsistence Board.

47  
48 That is a change. And the Advance Notice did suggest  
49 delegating that authority from the Secretaries to the Board.  
50 As a result of the public discussion the Board has been

00258

1 persuaded that this is a significant matter between State and  
2 Federal governments and it should be handled at the highest  
3 level, not delegated down to the Board. So this language  
4 implements that decision, it retains the authority with the  
5 Secretaries.

6  
7 On the following page, page eight down at the bottom,  
8 the shaded language in subparagraph 17, this points out that  
9 the Board could have a role in evaluating the circumstances of  
10 a problem of this sort, evaluating whether activity off of  
11 Federal lands is resulting in a failure to meet subsistence  
12 needs on the Federal lands. And then the Board would consult  
13 with the State, the Regional Councils, Federal agencies and  
14 make recommendations to the Secretaries. So questions could  
15 still be taken up with the Federal Subsistence Board, but the  
16 final decision would have to be made in Washington by the  
17 Secretaries.

18  
19 On the following page it's not quite as big a matter of  
20 public controversy, but many of you are familiar with the  
21 emergency order authority in the Department of Fish and Game,  
22 that in-season decisions are made by a local biologist. That  
23 paragraph number five at the top of page nine creates a new  
24 flexibility in the Federal program. It says the Board may  
25 delegate to Agency field officials the authority to open or  
26 close specific fish and wildlife harvest seasons established by  
27 the Board. So the Board still makes the regulatory decisions,  
28 but this allows some on site in-season action very similar to  
29 emergency orders authorities in the State Department.

30  
31 Those are the key points I wanted to highlight in  
32 Subparts A and B, the organizational sections. Why don't I  
33 stop for a second and see if there are any questions on these  
34 topics, the first part of the regulations.

35  
36 CHAIRMAN EWAN: I don't have any questions. Any  
37 Council member have any questions? Thank you very much for  
38 giving us -- do you have some more to comment?

39  
40 MR. BRELSFORD: There's a little bit more. On page 16,  
41 that table is the existing customary and traditional use  
42 determinations on fisheries. And I think when you read the  
43 areas and you read the species, you're going to realize there  
44 are obviously some gaps. So I think we consider this an area  
45 where there's going to be some changes, either from input by  
46 the Councils or public input once this regulation is published.

47  
48 The c&t determinations here were the ones that the  
49 State had made back when they were in compliance with ANILCA  
50 through 1989. And in the same way that we did with wildlife,

00259

1 we brought in the existing State regulations and then began to  
2 change them through the Regional Councils and so on, that's the  
3 idea here. The baseline regulations come from State  
4 regulations and they can be changed through the regulatory --  
5 the proposal, requests for changes and so on. So I'd just draw  
6 this to your attention; this is the baseline of c&t  
7 determinations in Southcentral Alaska. There are some obvious  
8 gaps that need to be addressed before the program will really  
9 be comprehensive.

10  
11 On the Subpart B where we talk about seasons and bag  
12 limits, I want to talk about another kind of controversial  
13 topic just so you don't wade through this and wondering where  
14 it is. If you turn with me to page 20, at the top of the page  
15 it's actually a little bit tough to read because of the Region  
16 II Regional Council Review Draft Language. But it's  
17 subsections 11 and 12.

18  
19 This the fine print. These are the specifics on  
20 customary trade. What number 11 says is that no person may buy  
21 or sell fish parts or eggs which have been taken for  
22 subsistence uses, except as provided by the Federal Subsistence  
23 Board. The intention here is that the Board would have the  
24 flexibility to make regional solutions. If there are high  
25 risks in some area for misuse of customary trade opportunities,  
26 the Councils and the Board may think that permits for customary  
27 trade would be a good protection.

28  
29 In other areas where the patterns of customary trade  
30 are low level, small scale, in the villages, no abuses, a much  
31 more flexible regional approach might be appropriate there. So  
32 this one allows the Board to respond to individual regions  
33 flexibly. It's not a uniform statewide permitting system, for  
34 example.

35  
36 Section 12 says that there could be no sales into  
37 commercial channels. Any buyer licensed to buy salmon  
38 commercially and to sell them as a processor and so on, any  
39 licensed buyer in commercial fisheries is prohibited from  
40 buying subsistence-caught fish. So it's kind of a brick wall,  
41 if you will, between subsistence fishing and flexible  
42 opportunity for local exchange, local customary trade. The  
43 brick wall is none of that is supposed to go into commercial  
44 channels. That's not what the subsistence priority was about.  
45 It's not to make an end run around the limited entry fishing  
46 system. So prohibiting sale into commercial channels is one  
47 way to try and, you know, separate customary trade, local  
48 flexible practices of sharing and of trading, without, you  
49 know, letting anybody take advantage of it by selling large  
50 quantities off into commercial channels.

00260

1 I'll have one or two more points on Subpart D. Let me  
2 stop there and see if there are any questions or comments on  
3 this portion.

4  
5 The last thing I'd like to draw to your attention, if  
6 we go to page 26 you'll see that this is a section that starts  
7 to define the fishing districts and then to provide very  
8 specific regulations for the fishing districts. Where there's  
9 a strike-out, like a line barring the text, those are marine  
10 waters that would not come under the Federal jurisdiction. So  
11 they've been stricken out of there to indicate they're not  
12 going to be part of the Federal Subsistence Program.

13  
14 These were in the existing State Subsistence  
15 Regulations, but they will not go forward as part of the  
16 Federal Subsistence Program. So if you want to read through  
17 this and look more specifically, you'll find that large  
18 portions of Prince William Sound are excluded from the affects  
19 of the Katie John decision because they're marine, not inland  
20 waters.

21  
22 CHAIRMAN EWAN: What about the -- I guess item was it  
23 four or nine? That salmon may not be taken in a subdistrict,  
24 what does that mean?

25  
26 MR. BRELSFORD: I think I know the answer to this, but  
27 help me with the page.

28  
29 CHAIRMAN EWAN: 26.

30  
31 MR. BRELSFORD: Okay. Right. The -- again these are  
32 baseline regulations that were incorporated from the State  
33 Subsistence Fisheries Regulations. And at the present time the  
34 Chitina subdistrict manages personal use fisheries, the dip net  
35 fishery and so on. Those are categories. They are used as  
36 personal use fisheries, non-subsistence fisheries. So this  
37 language reflects the State's management structure allowing for  
38 personal use fisheries separate from subsistence.

39  
40 That is not consistent with the approach in the Federal  
41 Subsistence Program. And there was actually a section, it's  
42 just on the preceding page, where under another portion of the  
43 Prince William Sound area, this is page 25, the bottom half.  
44 It identifies the opportunity for the subsistence fishery of  
45 Batzulnetas. That's the heart and soul of the Katie John  
46 decision was to provide a subsistence fishery at Batzulnetas.  
47 So you will actually find the specific language there.

48  
49 I think the Chitina subdistrict in this prohibition on  
50 subsistence is another gap that will have to be fixed as we

00261

1 take a baseline from State Subsistence Fisheries Regulations  
2 and revise it so that it's an appropriate version for Federal  
3 Subsistence Fisheries.

4  
5 CHAIRMAN EWAN: Okay. Thank you.  
6

7 MR. BRELSFORD: And those were the only highlights that  
8 I wanted to draw to your attention and kind of, you know, show  
9 how the work is laid out so that you can make comments on it or  
10 look at it later and provide additional comments.

11  
12 Again the comment deadline, I think you're asked to  
13 submit remarks back by March 3rd. So I think we'd be happy to  
14 take in any comments that you have at this time, or to receive  
15 anything at a later time.

16  
17 CHAIRMAN EWAN: Any questions or comments from the  
18 Regional Council at this time? If not, thank you, Taylor.

19  
20 MR. BRELSFORD: Okay. Thanks very much. I hope I have  
21 the right mix of brevity but with enough specifics to catch you  
22 up with what we're doing. Thank you.

23  
24 CHAIRMAN EWAN: We go on in the agenda then. Okay. We  
25 have old business, Item B -- B(1), Proposed Cooperative  
26 Agreement Between Fish and Wildlife and Entity Regarding  
27 Ninilchik and other Kenai Peninsula Communities. Rachel or is  
28 that -- who's -- Rachel.

29  
30 MS. MASON: Mr. Chairman, at your last meeting Bruce  
31 Greenwood was working in my stead as the anthropologist and he  
32 brought up this item for your consideration. What this  
33 concerns is the possibility of a cooperative agreement to do  
34 harvest survey research in Ninilchik and other Kenai Peninsula  
35 Communities.

36  
37 The need for such a study has become evident to me from  
38 contemplating the six or so customary and traditional analyses  
39 backlog proposals that we made dealing with Ninilchik and other  
40 communities on the Kenai Peninsula. And we would like to have  
41 some more up to date harvest information than exist from the --  
42 on these communities on harvest levels and the use areas,  
43 particularly contemporary use areas.

44  
45 In the other borough, Kenai Peninsula communities,  
46 there has been recent research by the Division of Subsistence  
47 of ADF&G. I believe that in Seldovia, Nanwalek and Port Graham  
48 there have been harvest surveys done in 1991, '92 and '93. We  
49 do have some recent information from Ninilchik from a study  
50 that the Ninilchik Traditional Council did under contract with

00262

1 the BIA. And that was of a different format from any of the  
2 Division of Subsistence research. It's very useful, but it  
3 would be helpful to have some data in the format that the other  
4 communities have for comparative purposes.

5  
6 And I understand that there were some concerns raised  
7 at the last meeting concerning the appropriateness of the  
8 Division of Subsistence for doing this research. And I'd like  
9 to invite Jim Fall to come up to talk about the Division and  
10 the work that you've done.

11  
12 MR. FALL: Thank you, Mr. Chairman. Thank you for this  
13 opportunity to address the Council this afternoon. It was last  
14 July that Rachel gave me a call and asked whether the Division  
15 of Subsistence might be interested in doing a harvest  
16 assessment study in Ninilchik and perhaps some other Kenai  
17 Peninsula communities, using the standard format that we've  
18 developed during our program over the last 15 years or so. It  
19 was my understanding that the basic objective of this work  
20 would be to collect information that was collected in a way  
21 similar to that which we'd done in Seldovia, Nanwalek, Port  
22 Graham, Tyonek, Kenai and most communities throughout the  
23 State. And we said that, yeah, we'd be very interested in  
24 doing that work.

25  
26 The dimensions of the work needed to be worked out,  
27 which communities to be included, when to do it, what kind of  
28 sample to collect. So that to be negotiated. And I'm not sure  
29 of the exact kinds of questions that the Council has, so I'm  
30 not going to talk too much about the study and really leave it  
31 up to you to ask questions. However, I did prepare --  
32 actually, we've prepared for other purposes also a little  
33 brochure which was in your supplemental packet, which is a four  
34 page brochure which described the Division of Subsistence  
35 Program in Southcentral and Southwest Alaska.

36  
37 And what this is, is a description of what our division  
38 has been doing during our lifetime, and especially in the last  
39 few years in the communities of Prince William Sound, Copper  
40 Basin, Cook Inlet, Bristol Bay, Aleutian Islands and so forth.  
41 So you'll get an idea of just what kind of work we've done.  
42 And there is a discussion in the second page of the technical  
43 papers series which is where we publish our results. I think  
44 most of you are familiar with some of those.

45  
46 The community profile database, which is where we  
47 compile the quantified information that comes from our harvest  
48 surveys, which includes demographic information, and economic  
49 information too. And which is supported -- the development of  
50 which is supported by the Federal Subsistence Program. There's

00263

1 also a little statement in there about our community baseline  
2 studies which is pretty much what that would be, which is where  
3 we go into a community and ask a series of standards questions  
4 about harvest levels for a given period of time. And it also  
5 explains how this work is voluntary and the information is kept  
6 confidential and then the results are presented in a series of  
7 standard tables and figures that we hope are pretty readily  
8 useable to a variety of purposes.

9  
10 And then there's descriptions of other things that we  
11 do. So just to close for right now, how we would see this  
12 study taking place is in conformance with our standard approach  
13 to doing work in rural Alaska communities. And with that I'll  
14 just see if there are any questions about what we intend.

15  
16 CHAIRMAN EWAN: I don't have any questions, but I think  
17 that information is very useful, just looking through this of  
18 the studies that you've done or the surveys, whatever you call  
19 them. What do you call them, what you were doing?

20  
21 MR. FALL: I call them research studies.

22  
23 CHAIRMAN EWAN: Research. Yeah. Okay. Any questions  
24 of Jim? If not, thank you very much.

25  
26 MR. FALL: Okay. Thank you.

27  
28 CHAIRMAN EWAN: Go ahead. You want to continue with  
29 the same cooperative management?

30  
31 MS. MASON: Well, I think that that's the end of that.

32  
33 CHAIRMAN EWAN: There's no recommendation of one or the  
34 other, other than to do a little research? Helga, did you.....

35  
36 MS. EAKON: I just wanted a clarification, that you're  
37 still putting this on hold, this suggested Cooperative  
38 Agreement produced by them? I guess that puts me to want to  
39 hear from Gary. Do you still want to wait?

40  
41 CHAIRMAN EWAN: Do you have comments, Gary?

42  
43 MR. OSKOLKOFF: Well, I think I've made most of my  
44 comments previously and I don't want to get into that type of  
45 discussion again. But there is -- there has been in the past  
46 work done by various groups and we in the case of Fish and Game  
47 in other discussions that go on with regard to the village,  
48 there are some -- well, let's put it this way, there's some  
49 displeasure amongst the -- most of the local folks that are  
50 subsistence users and the prodding that has gone on.



1           And I think in light of the problems that we've had on  
2 the Kenai Peninsula with regard to even getting the very basics  
3 of seasons for subsistence through and customary and  
4 traditional use determinations, I really feel that our -- the  
5 value of the study is going to be rather poor if we do it at  
6 this time.

7  
8           And I think there has to be a coming together, if you  
9 will, or a meeting of the minds on -- or I should say between  
10 the -- particularly the State of Alaska and the people in my  
11 area in particular. I only speak for those people. And not  
12 only how these studies are done, but just in whether they serve  
13 any real purpose.

14  
15           In our case in Ninilchik we did a study using Federal  
16 funds to answer questions that were very similar to questions  
17 that were asked in other areas and we took it one step further  
18 by improving upon the study and some of its shortcomings. That  
19 is, a very simple thing by including a larger map because  
20 people were going off the boundaries of the existing map and  
21 just not drawing in the area because it's not on the map.  
22 Because people use a smaller map it was assumed that they  
23 didn't go outside of those areas. And so we included a bigger  
24 map.

25  
26           Immediately, and as you've heard over the last several  
27 Council meetings, that information was discredited as somewhat  
28 slanted. And I believe that there was -- although it wasn't  
29 brought out directly, there was a belief by some that the --  
30 since the Traditional Council had conducted the study, that it  
31 would be slanted somewhat in that direction. We went through  
32 all kinds of great pains to make sure that wasn't happening, as  
33 I'm sure the State and the Federal government both do. But I  
34 don't think it carries much more weight when the State turns  
35 around or the Federal government hires the State, who has been  
36 our primary adversary in so many of these issues to conduct a  
37 study.

38  
39           I think what you have is people discounting ours and  
40 then we're going to turn around and find reasons and holes in  
41 the next survey. So I think that immediately upon its delivery  
42 it's already going to be seen as tainted whether that is true  
43 or not. And I believe that what I'm talking about here is how  
44 people feel about it, how people will talk about it and how  
45 people will discuss it and how people will be involved in it,  
46 rather than how the methods that are used or what the  
47 intentions are of the people who are collecting the data or  
48 collating the data. That I'm somewhat concerned about its  
49 value at this time.

1           And I think there has to be a discussion take place  
2 between -- particularly in the case of Ninilchik since we did  
3 conduct a study and it was devalued immediately -- between the  
4 people of Ninilchik and those who have a problem with the study  
5 we had completed, to come to some meeting of the minds before  
6 we spend a lot of time and money on going further down the road  
7 with more studies. Because I'm sure that one study can be done  
8 and somewhere down the road we'll do another study and I think  
9 we're wasting the people's money at that point if we don't  
10 agree on how it should be done and who should do it and how  
11 we'll arrive at data that will be comparable to other studies  
12 in other areas. I'm sorry, Mr. Chairman, I tried to make it  
13 short.

14  
15           CHAIRMAN EWAN: I understand. Do you have other  
16 comments? These here I don't know how to handle. Is this just  
17 information, that's it?

18  
19           MS. MASON: At this point I think that we could just  
20 leave it at this. I would like to ask Gary if you think this  
21 is a situation that is just particularly problematic at this  
22 time, or do you think it would be improved a couple of years  
23 down the line? Do you see it as something that is associated  
24 with this particular set of circumstances at this time?

25  
26           MR. OSKOLKOFF: I think you're right, it is associated  
27 with the circumstances. The very strong feelings that people  
28 have on the Kenai Peninsula right now and in their discussions  
29 that have taken place over the subsistence issues that we've  
30 dealt with in the past. And on top of that I think it would be  
31 very difficult to ask people to under scrutiny of their  
32 neighbors at this point to appear to embrace their subsistence  
33 uses at this time. I don't think people are going to be as  
34 willing to show up or sit down and talk with people, no matter  
35 how you structure it because this information tends to oh be  
36 used against them, or the fact that they're participating in a  
37 way seems to be considered inappropriate or even very wrong by  
38 some people.

39  
40           And most Native people in my area are relatively shy  
41 and we tend to want to fit into the culture that we're in right  
42 now. And we're out-numbered about 40,000 to about 4,000, if  
43 I'm remembering my numbers correctly. So it's going to be very  
44 tough for those people to come out and easily do this  
45 especially after they had just a couple of years ago worked  
46 very hard on getting their information together for the  
47 Traditional Council and then to find out that it was somewhat  
48 devalued when it was brought before the Board or even the  
49 Regional Council.

00266

1           CHAIRMAN EWAN: Yeah, I think we get the point there,  
2 Gary. Should we move on then to the next item?

3

4

5           MS. MASON: Yeah. That requires no action of the  
6 Council.

7

8           CHAIRMAN EWAN: Okay. We'll go on to the number 2  
9 then. Or did you talk about that already?

10

11           MS. MASON: I just asked to have this added to ask for  
12 the Council's suggestions if you see gaps in the data that we  
13 have of proposed cooperative agreements that you might have in  
14 mind. And as you have observed from looking at the c&t's that  
15 we've done, we have relied very heavily on the Division of  
16 Subsistence for their data.

17

18           If you have other ideas or other possibilities that we  
19 might be able to incorporate into our program cooperative  
20 agreements this might be something you could interject.

21

22           CHAIRMAN EWAN: I haven't thought of any. So anybody  
23 have any comment on that? Fred?

24

25           MR. JOHN: Cooperative agreement, is that between  
26 Agency and Native Villages?

27

28           MS. MASON: Yes. Typically they have been with Native  
29 organizations. We have had cooperative agreements with, for  
30 example, AVCP and Tanana Chiefs, CATG. And they were all for  
31 the purposes of gathering harvest data. And Park Service and  
32 BLM have had cooperative agreements with CRNA as well.

33

34           CHAIRMAN EWAN: I believe Park Service's -- did you  
35 mention that.....

36

37           MS. MASON: Yeah.

38

39           CHAIRMAN EWAN: .....had some kind of agreement with  
40 CRNA also.

41

42           MR. JOHN: So as a Regional Council could we encourage  
43 Agency to go into a cooperative agreement with Ninilchik,  
44 different tribes where they're located at?

45

46           MS. MASON: That would be a good idea.

47

48           MR. OSKOLKOFF: Seems like maybe we should encourage  
49 the Agency and Kenai to go into agreement with tribes down in  
50 like Ninilchik. Maybe they're doing it. I don't know. But

00267

1 we're doing it in our area, the National Park there, St. Elias  
2 there, went into cooperative agreement with them, Mentasta,  
3 Chistochina. And we've been working pretty good with them so  
4 far, you know, good relationship and everything. And I'd like  
5 to see that in all the other areas. Kind of encourage them.

6  
7 MS. MASON: Okay.

8  
9 CHAIRMAN EWAN: I think I agree with Fred. We should  
10 get, I guess, the Native version of how the past seasons and  
11 all of that, rather than just collect data and interview, you  
12 know, present day people. I think we ought to get the original  
13 people that were here for many years story. A lot of our  
14 history is not written. So I think it's very helpful. In our  
15 area CRNA has been doing that for the Park Service like you  
16 said and BLM to some extent. Any other comment then? Okay.  
17 The next item then is, Helga, you've got the Regional Council  
18 Charter, inclusion of Rural Alternative Update?

19  
20 MS. EAKON: Yes. Please open your books to Tab G. The  
21 green books that have G. There you will have a snapshot  
22 picture of how these 10 Regional Councils in the state weighed  
23 in on the question of rural residency as a Council membership  
24 requirement.

25  
26 As you may recall, the Alaska Regional Solicitor opined  
27 that rural residency is not a requirement in statute or  
28 regulations. Seven of the Regional Councils moved to reinstate  
29 rural requirement in the charter, one abstained and two said  
30 that is not an issue in their particular region. And your  
31 Regional Council through your Chair, Mr. Ewan, wrote a letter  
32 to the Secretary of Interior and the Secretary of Agriculture  
33 to reconsider the Alaska Regional Solicitor's opinion.

34  
35 And in your folder you will find a letter from John  
36 Leshy, who is the National Solicitor in Washington, D.C.  
37 Essentially his letter of January 29, 1997, agrees with the  
38 Alaska Regional Solicitor's office's opinion. And in the last  
39 paragraph he did say that the Secretary should consider the  
40 statutory purpose of the Regional Advisory Councils ensuring  
41 that rural residents have a meaningful role in subsistence  
42 management in making appointments to the Councils.

43  
44 So essentially the top attorney for the Federal  
45 government has spoken on this issue and so the book is closed  
46 as far as a legal opinion is. So I guess as a matter of  
47 practicality you should do as you always do. You always like a  
48 list of applicant to your Regional Council. And I know that in  
49 the past you have supported incumbents. But, essentially, the  
50 door is closed on this issue. Are there any questions?

00268

1 CHAIRMAN EWAN: Having not read this whole letter here.  
2 Do you think it's a very good letter, response to my letter?

3  
4 MS. EAKON: Well, as one who has a law degree, I do  
5 follow his reasoning. And that is sound reasoning, that is how  
6 -- that is a proper well reasoned opinion in my estimation. And  
7 as a matter of reality, the reality is you have gone as far as  
8 to the Secretaries, they referred it to the National Solicitor,  
9 the National Solicitor agrees with the Alaska Regional  
10 Solicitor's opinion. So that's it. The door is closed.

11  
12 CHAIRMAN EWAN: Okay. Thank you. Any other questions  
13 or comments? If not, thank you.

14  
15 MS. EAKON: Okay. And then in the same Tab G I just  
16 wanted you to know how the other Regional Councils weighed in  
17 on the question of alternates. On the very last page of Tab G  
18 in your books, four Regional Councils wrote the State, said  
19 they don't need alternates in their Regional Councils. Three  
20 of them said that they would like two at large, one said either  
21 way is good, one wanted a shadow Council and one Regional  
22 Council took no action. This is just for your information.

23  
24 CHAIRMAN EWAN: Could I, just to refresh my memory,  
25 what we're trying to do here, is how is our recommendation  
26 going to be handled here do you think, or does anybody have an  
27 answer to that? To our four recommendations that no  
28 alternates.....

29  
30 MS. EAKON: I'm going to need Taylor's help.

31  
32 CHAIRMAN EWAN: .....be used and the rest are mixed.  
33 How is that going to be responded to from the Board or.....

34  
35 MR. BRELSFORD: Thank you, Mr. Chairman. The timing of  
36 this is the easiest question. This will come before the Board  
37 again in calendar 1998 when the charters are up for their every  
38 two years renewal. So we will start with consultation with  
39 each of the Councils, bring your recommendations forward to the  
40 Board, the Board would make recommendations then.

41  
42 If nothing changes, if they're a spread of use between  
43 the Councils, the Board will have to think about whether they  
44 need a uniform policy, they can be confident that each of the  
45 Councils has now looked at this. We've done the consultation  
46 carefully.

47  
48 The first time they heard it they weren't sure that all  
49 the Councils had a chance to look at it and they didn't want to  
50 go off until they were sure that everybody had had a chance to

00269

1 look at it. Next time when it comes up we can give them  
2 confidence that each Council has weighed its thoughts. They  
3 may not be so worried about a uniform approach in 1998. They  
4 may think that a little variation between the Councils is  
5 reasonable because of the different circumstances in the  
6 Councils.

7  
8 So I can't quite predict exactly what they would say,  
9 but we have done some homework on this and it will come up with  
10 the Board and the Councils in 1998.

11  
12 CHAIRMAN EWAN: So you think this is useful information  
13 for the Board?

14  
15 MR. BRELSFORD: Sure I do. Several Councils feel very  
16 strongly about it. And they'll say that again in 1998. Other  
17 Councils have found that they're able to manage with the  
18 current approach. So I think the Board will hear thoughtful  
19 information and they may decide to have separate solutions for  
20 different -- for the circumstances in different regions.

21  
22 CHAIRMAN EWAN: Thank you, Taylor. Is that it, Helga?

23  
24 MS. EAKON: That's it for that topic, Mr. Chair.

25  
26 CHAIRMAN EWAN: Ready to go on to the next item then?

27  
28 MS. EAKON: Yes. Agenda Item 8D on the annual report.  
29 I kind of wanted to know what has happened since your last  
30 meeting in October in Glennallen when you had requested that  
31 Staff send a letter to all of the referral agencies regarding  
32 your 1995 annual reports. And the focal issue in the report  
33 was the lack of wolf control in Unit 11 and land adjacent to  
34 Unit 11. And your chair did send letters on January 3, 1997 to  
35 Mr. Rue, Commissioner of Fish and Game, Mr. Barbee, the  
36 Regional Director of National Park Service and to Forest  
37 Service.

38  
39 Rod Kuhn tells me that there is a letter on its way  
40 from Forest Service saying essentially there's just a little  
41 bit of forest land and it's mostly ice, that it's not wolf  
42 habitat. We have not had a response from Mr. Frank Rue, we  
43 have not had a response from National Park Service. I just  
44 wanted to give you an update on these letters.

45  
46 CHAIRMAN EWAN: Yes. Go ahead, Sandy.

47  
48 MR. RABINOWITCH: Sandy Rabinowitch with the National  
49 Park Service. I am aware that a letter is being prepared but  
50 has not yet been signed by Bob Barbee to come back to you.

00270

1           CHAIRMAN EWAN: Thank you. Well, I think speaking  
2 about this whole letter writing about the wolf control and all  
3 of that, I think I made my point, that I'm kind of happy that I  
4 did make my point. If the responses were not positive, then  
5 that's okay too from my standpoint. Are we ready to go on to  
6 the next one?

7  
8           MS. EAKON: And also I wanted to know if you wanted to  
9 do a '96 annual report because if you have any burning issues  
10 that we could recap for your '96 report, now is the time to  
11 state them. But I don't know, do you even want to do a '96  
12 annual report?

13  
14          CHAIRMAN EWAN: Okay. You want us to discuss that  
15 right now?

16  
17          MS. EAKON: Yes, please.

18  
19          CHAIRMAN EWAN: Any issues that you want to include in  
20 our upcoming annual report?

21  
22          MR. LOHSE: Well, I would say that I would be real  
23 supportive for funding for studies for c&t.

24  
25          CHAIRMAN EWAN: Did you get that?

26  
27          MS. EAKON: Um-hum.

28  
29          CHAIRMAN EWAN: Are there funds right now identified  
30 for studies?

31  
32          MS. MASON: Oh, I'm sorry. I didn't realize you were  
33 talking to me.

34  
35          CHAIRMAN EWAN: Well, Ralph said we would support, I  
36 guess, funding for studies in the future.

37  
38          MS. MASON: That's great.

39  
40          CHAIRMAN EWAN: Yeah. But I was just asking if there's  
41 funds right now in the budget for research?

42  
43          MS. MASON: I think there are. I don't know the  
44 specifics of how much is available.

45  
46          CHAIRMAN EWAN: So it would be possible that there will  
47 be more funding in the future?

48  
49          MS. MASON: That's correct.

50

00271

1 CHAIRMAN EWAN: Well, I guess the point is we encourage  
2 adequate funding.

3  
4 MR. LOHSE: Well, the point is we need -- if we're  
5 going to make c&t determinations we need to have it.

6  
7 MS. EAKON: Any other issues for you '96 annual report?  
8 And I should say that the Federal Subsistence Board, the  
9 managers do have their eyes opened now and they're paying  
10 attention to you. Whereas you remember early on your reports  
11 were not going anywhere. So if you have any major issue that  
12 you would like to highlight, now would be time to do it. I  
13 realize everybody is real tired. Sorry about that.

14  
15 CHAIRMAN EWAN: I'm not tired. Gary.

16  
17 MR. OSKOLKOFF: Mr. Chairman, along with I think what  
18 Ralph is saying, is that I feel that there has been -- we're  
19 kind of having a hard time working consistently on some of  
20 these issues because of the way things are laid out or the time  
21 constraints that we're in. And the upshot of that is that  
22 we're sometimes making what I feel less consistent decisions  
23 across the board simply because it's very hard to keep those  
24 materials together in the way they've been -- the way we've  
25 handled it so far.

26  
27 And I would like to suggest that we perhaps spend some  
28 time, even if it requires a special meeting, to look into ways  
29 that we can format what we do. So that it produces a more  
30 consistent product. So that we're not rushing in one case and  
31 taking our time in the next one and overanalyzing in some cases  
32 and not analyzing deeply enough in others.

33  
34 And I think that what we need from my perspective is  
35 that we need to be able to ask questions. And I think this was  
36 kind of what Ralph was getting to, we need to be able to ask  
37 questions once we receive these proposals and hear the analysis  
38 on them, and then have them studied so that we can get a  
39 response back other than the few minutes that we have to  
40 discuss each one of these proposals. And I hope that now that  
41 we've dealt with a good deal of the backlog we'll be able to do  
42 that.

43 MS. EAKON: As the leadership team representative  
44 today, I'm going to ask Taylor to respond to that, if he may.

45  
46 CHAIRMAN EWAN: I don't know if we're -- oh, you want  
47 Taylor to respond. Go ahead.

48  
49 MS. EAKON: I think it's important enough. If you can  
50 kind of help us out here.



1 MR. BRELSFORD: Well, I think the first point is that  
2 the annual report is exactly the right forum to make  
3 suggestions for approach, for qualitative improvements in the  
4 program. I think these observations about differences in the  
5 approach at the time of the Kenai Peninsula c&t's were some  
6 work sessions, as compared to now when we're trying to move  
7 through them. Those are helpful observations. That's part of  
8 quality improvement, we welcome those.

9  
10 I don't think I should suggest specific revisions off  
11 the top of my head. It merits more thought than that. But I  
12 think the idea of some reassessment by the Regional team, by  
13 the folks that have worked with you over the years is a good  
14 idea, trying to see if there are some new ways to approach it.  
15 The specific suggestion for work sessions is a welcomed one.

16  
17 None of us is served by rushing, by hurdling through  
18 things, by feeling rushed and tired in the meeting. So I think  
19 there are several specifics. And there may be some other ones  
20 out there that we could work out in another setting. I think  
21 getting it on the agenda in front of the Board with the annual  
22 report is a very valuable step. And we would consider it a  
23 responsibility to follow-up and try and do a little better at  
24 this.

25  
26 On the final point we are now mercifully two-third of  
27 the way through the backlog on c&t's. And I think most of the  
28 controversial issues, or the most controversial issues are  
29 largely behind us at the end of this year. So we can take a  
30 breath, create new approaches try and, you know, do some better  
31 work together in the next round. I think this is a timely  
32 opportunity to make some suggestions for reassessment and for  
33 new approaches.

34  
35 MR. OSKOLKOFF: On that, Mr. Chairman, I'd like to say  
36 that Taylor hit upon an idea maybe inadvertently, but I think  
37 it might be good for -- and let me just restate it in case that  
38 wasn't his intention, for us to somewhat more informally sit  
39 down with the Staff and discuss from our perspective what we  
40 need in the process, or what we feel we need in the process and  
41 how we can reach that with some consensus between the two  
42 parties. Because otherwise it seems to be kind of a push and  
43 pull, more adversarial role, which is not I think the intention  
44 that anyone has, but it just kind of works out that way. So if  
45 that's agreeable, maybe that could be the gist of that  
46 suggestion.

47  
48 MR. BRELSFORD: Right. Let's be sure that that  
49 specific is in the paragraph -- in the section of the report.

00273

1 MR. OSKOLKOFF: And one more thing, Mr. Chairman.

2  
3 CHAIRMAN EWAN: Yes, Gary.

4  
5 MR. OSKOLKOFF: If I could throw in, is that it seems  
6 to me that when we first started out working, we were working  
7 primarily on the Kenai Peninsula and it being relatively  
8 isolated by water when you were talking about large land  
9 mammals. It was pretty easy to stay within the Regional  
10 Council that we have here. But I think that when we got to the  
11 question that Ralph so eloquently and quickly described for us  
12 the situation with regard to 6(A) and Unit 5, it became  
13 apparent to me that we need a little better interaction, other  
14 than just shooting letters to one another between the Councils.

15  
16 And I don't know how to achieve that. One suggestion  
17 is perhaps a committee of each one of the Councils being able  
18 to meet with one another because we bump into several Councils  
19 on the border. But some form of interaction that would allow  
20 us to discuss those issues. So we're not simply holding back  
21 because in this case Unit 6 wasn't addressed and Unit 5 was  
22 addressed. I don't want to hold other subsistence users back  
23 or other Councils back. It'd be nice if we could use -- have a  
24 little more uniform fashion of approach here.

25  
26 CHAIRMAN EWAN: Any other comment?

27  
28 MS. EAKON: Thanks, Taylor.

29  
30 CHAIRMAN EWAN: Well, have that all incorporated in a  
31 letter to you.

32  
33 MS. EAKON: Yes. And I will draft that for you, Mr.  
34 Chair.

35  
36 CHAIRMAN EWAN: Does that take care of that?

37  
38 MS. EAKON: That takes care of that.

39  
40 CHAIRMAN EWAN: There's no other comment on the annual  
41 report? We always take care of annual report at the end of the  
42 day when we're tired. Okay.

43  
44 MS. EAKON: Okay. Moving right along, Mr. Chair, to AC  
45 update on response to your request to the Congressional  
46 Delegation for Funding for Implementation of Federal  
47 Subsistence Fisheries Management. If you look in your manila  
48 folder you will see a response letter from Frank Murkowski.  
49 And that was the only response we got. We did not get a reply  
50 from Don Young or from Ted Stevens. And that's it.

00274

1 CHAIRMAN EWAN: Any questions of Helga? If not, thank  
2 you.

3  
4 MS. EAKON: Moving right along. Thank you very much.  
5 We go to new business. And we're going to turn the floor over  
6 to Hollis Twitchell to talk about the National Park Service  
7 paper.

8  
9 CHAIRMAN EWAN: Okay. The next item will be the  
10 National Park Service report on Comments Received on Draft  
11 Review of Subsistence Law and NPS Regulations. Is that the  
12 item we're on.

13  
14 MR. OSKOLKOFF: Before we do that, we're approaching  
15 5:00 o'clock and I'm just wondering what our intentions are, if  
16 we could discuss that very briefly.

17  
18 CHAIRMAN EWAN: Helga, do you have a comment on that?

19  
20 MS. EAKON: Yes. The Park Service presentation here is  
21 pretty much the last item on your agenda, because you do have  
22 under Tab L, Agency Report. For example, I was told by Kenai  
23 Refuge they don't have a report. So this is the next major  
24 item. And then once you settle on a meeting date for the next  
25 meeting you're done.

26  
27 MR. OSKOLKOFF: Sounds good.

28  
29 CHAIRMAN EWAN: Well, let's continue then, see where we  
30 get. Who is going to be -- Hollis, you'll be first?

31  
32 MR. TWITCHELL: Yes, Hollis Twitchell with Denali  
33 National Park. The issue paper, the draft review of  
34 subsistence law and the National Park Service regulations has  
35 been to the public now for a year and a half, almost two years.  
36 So it's been out, it's been reviewed by most all of the  
37 Subsistence Resource Commissions for the park areas, and also  
38 out to the public.

39  
40 So the couple of points I just want to stress before we  
41 get started, that this was initiated by the Park Service itself  
42 for a number of reasons. It's been quite a number of years  
43 since ANILCA was passed and our initial regulations were  
44 formulated. And a lot of the managers felt it was appropriate  
45 to review and take a look at these.

46  
47 The feeling that the policies of the Park Services in  
48 terms of managing subsistence in Alaska, many of the field  
49 managers felt that there should be a little more flexibility in  
50 terms of dealing with issues on a regional context, rather than

00275

1 having a fairly rigid approach to the word subsistence. It may  
2 not work very well in one region and work well in another.

3  
4 To try to get to that approach, a group were pulled  
5 together to initially look at the laws and regulations. The  
6 intent was not just to be covering every issue, all inclusive,  
7 but mainly those issues that we thought might rise to become  
8 important. It's just one step in an ongoing process. It  
9 doesn't represent the current Park Service policy. It simply is  
10 a launching platform to open serious discussions with  
11 subsistence users and our advisory groups, such as yourself.

12  
13 With that, I don't know to what extent you've had a  
14 chance to review and look at the paper before. The paper is in  
15 Tab J in your books. Comments from other individuals are  
16 included in the most recent version that you have. Those  
17 comments are the comments that have been submitted up through  
18 the January 22nd.

19  
20 With that, I would like to ask for some guidance from  
21 the Council as to what detail or scope you would like me to go  
22 through this in terms of the time of day and your desires.

23  
24 CHAIRMAN EWAN: I believe I've seen these comments, a  
25 copy of this before somewhere. I do have a question on one  
26 that refers to the National Park will undertake an effort as  
27 required by ANILCA. What is that referring to by the Sierra  
28 Club?

29  
30 MR. TWITCHELL: Excuse me, I didn't catch your  
31 question.

32  
33 CHAIRMAN EWAN: I guess there was a comment from the  
34 Denali, your area, on page four. It says comments from the  
35 Sierra Club: We recommend adopting from previous version of  
36 this document that says NPS will undertake an effort as  
37 required by ANILCA. I didn't know what that was referring to.

38  
39 MR. TWITCHELL: ANILCA identifies that there are five  
40 park areas where subsistence uses are authorized where those  
41 uses were traditional, implying that the Park Service needed to  
42 identify where those traditional use zones or their traditional  
43 areas were. The Park Service has not gone through that process  
44 to date. There have been questions towards the Agency when  
45 they were going to go through this process.

46  
47 In our initial regulatory rule making the Park Service  
48 said that we were going to delay making those decisions until  
49 we got advice from the commissions, from the Regional Advisory  
50 Councils, from other research and from the State of Alaska. So

00276

1 the issue is simply presented here to raise the issue. At some  
2 point the Agency will need to be making those traditional use  
3 determinations.

4  
5 The question I think that that raises to these Councils  
6 and other groups in particular is, should those decisions be  
7 made based on contemporary use on the area the subsistence  
8 users are using now, or should that be based on a more  
9 historical context, looking back to the areas that were used in  
10 the past but may not necessarily be used right now presently.  
11 Or is it -- should we be looking for a longer context, maybe  
12 archaeologically much more longer terms.

13  
14 How those determinations are going to be made have not  
15 been clearly defined. The question was put out for those  
16 suggestions.

17  
18 CHAIRMAN EWAN: Okay. I realize it's pretty late in  
19 the day. I don't want to take too much longer. Did you have  
20 comments then, or is that the end of yours, Hollis?

21  
22 MR. TWITCHELL: Well, I didn't know whether you wanted  
23 me to proceed through on issues that are most searching for  
24 comments, or just to wait for questions.

25  
26 CHAIRMAN EWAN: I think Ralph had a comment or  
27 question.

28  
29 MR. LOHSE: I just had a question for you, Hollis. I  
30 think this is pretty inclusive. I think it's got lots of good  
31 reviewers comments in here and it shows the wide diversity of  
32 people's fears and support. I came up with a question on it  
33 just like Ewan when I was looking this 13.44 permit system  
34 right here.

35  
36 And in light of what Frank was talking about earlier,  
37 the idea that gradually you'll have less and less people who  
38 qualify for that permit. If I understand properly from reading  
39 this, and I'd like you to correct me if I'm wrong, that in  
40 order to qualify for that permit some member of the family had  
41 to be in place making use of that area prior to the -- if I  
42 remember right, prior to the -- prior to ANILCA or prior to  
43 1980? And so therefore what basically it says is as people  
44 move into a community, even if that community has customary and  
45 traditional use inside of a park or is a resident zone of a  
46 park, they do or don't have access to the resources of the  
47 park?

48  
49 MR. TWITCHELL: That's a good question and it's worth  
50 spending a little time on. The Park Service has two methods on

00277

1 which to identify eligible subsistence users. Congress in  
2 their legislative history was clear that they didn't want the  
3 Park Service to do solely an individual permit system, which is  
4 alluded to as that 13.44 permit that simply reference the  
5 authority in our regulations that authorizes that. But rather  
6 they preferred the Park Service to use a community designation.  
7 And in doing so a number of communities were identified as  
8 having a past customary and traditional use of park resources.  
9 And they contained a significant concentration of people who  
10 had.

11  
12 The other option was for people who didn't live in  
13 these communities to individually qualify. In which case the  
14 current regulations specify that the person had to use the area  
15 and have a customary and traditional use. The way that the  
16 Park Service is interpreting that is it's a fairly long period  
17 of use which would pre-date ANILCA. So it's not as easy to  
18 qualify for it.

19  
20 The recommendations that are present in this report  
21 actually liberalizes that interpretation and recommends that we  
22 use the language which is referenced also in the legislative  
23 history that person just needed to have a personal or a family  
24 pattern of use. Which doesn't imply that he had to or she had  
25 to be there for multiple generations or have a family there.  
26 So in essence this really would open the door to more users who  
27 have arrived more recently just before 1908 when the park area  
28 was expanded. So in essence it does liberalize eligibility  
29 some.

30  
31 The question that he raised is a good one in in terms  
32 of what thoughts you may have in terms of people who have come  
33 after 1980, is it appropriate for the Park Service to use that  
34 standard, or whether people who come into the areas after 1980  
35 and adopt a subsistence lifestyle.

36  
37 CHAIRMAN EWAN: You're talking about people that come  
38 in from the other areas. There are newborns, are you talking  
39 about both?

40  
41 MR. TWITCHELL: I'm talking about -- people who are  
42 born into a family would certainly qualify based on their  
43 family's customary and traditional use. So there's no question  
44 that they would qualify.

45  
46 CHAIRMAN EWAN: Okay. Well, they weren't here, but  
47 they'll qualify for this thing too. Okay. That was the  
48 question that I was wondering.

49  
50 MR. TWITCHELL: Yes. People who are adopted or marry

00278

1 into or born into families who have this qualification would  
2 also be eligible just by that virtue. And that's what Congress  
3 clearly intended. The question that I raise is that people who  
4 come in after -- or move in who have no former affiliation by  
5 family or use of the area, whether they should be authorized  
6 use based on their developing a subsistence lifestyle and  
7 assuming the customary and traditional patterns of the  
8 community.

9  
10 Presently that wouldn't be authorized on an individual  
11 basis. Only those people who should move into a resident zone  
12 would enjoy that benefit.

13  
14 CHAIRMAN EWAN: Do you have a problem with verifying,  
15 say length of time the person was around and so on? I don't  
16 know, I know that in Wrangell-St. Elias they talk about  
17 possible problems that way.

18  
19 MR. TWITCHELL: I worked at Lake Clark for 10 years  
20 prior to coming to Denali, and I've been there for seven, and  
21 in dealing with the individual permit process we've never had  
22 any difficulty whatsoever in verifying that. The process is  
23 the people just give us verbal or written information on what  
24 their use is and they're asked to have three affidavits from  
25 other people who know of their past experience. And I found  
26 that it's very difficult to get three people to not tell the  
27 truth about you. So I've never had any difficulty with that.

28  
29 CHAIRMAN EWAN: Thank you.

30  
31 MR. TWITCHELL: Especially when they have to sign an  
32 affidavit indicating that's correct.

33  
34 MR. LOHSE: These affidavits do carry penalties, don't  
35 they? Does it become perjury?

36  
37 MR. TWITCHELL: I'm not sure just what statute that  
38 would carry, but I've found that subsistence users are less  
39 likely to authorize someone who doesn't have a past history and  
40 use. Because the ones -- the people that I've been associated  
41 with would rather not see new competition coming in that would  
42 compete against them for resources in the areas. So it hasn't  
43 been a problem.

44  
45 CHAIRMAN EWAN: Do you have more, Hollis?

46  
47 MR. TWITCHELL: Well, I could if you had further  
48 questions or time. I put myself at your leisure.

49  
50 MR. LOHSE: I have no more questions.

00279

1 CHAIRMAN EWAN: No questions.

2

3 MR. TWITCHELL: I guess in final closure then I would  
4 say that this is just the beginning of a process, these issues  
5 are going to be coming before you and this Council as they're  
6 dealt with by the commissions and the agencies. So you'll  
7 definitely see them before final action occurs.

8

9 CHAIRMAN EWAN: Okay Thank you. And Sandy had no  
10 comments?

11

12 MR. RABINOWITCH: I'm here in case (indiscernible).

13

14 CHAIRMAN EWAN: Oh, okay. Thank you both. Who is  
15 next, Helga? I know some left and -- some agencies left,  
16 right?

17

18 MS. EAKON: Yes. Our next item is under new business,  
19 the Update on Regional Council Nominations Process. If you  
20 look under Tab A you will note that seats 6 and 7 are going to  
21 expire this year. Those currently held by Fred John, Jr. and  
22 that one currently held by Ralph Lohse. And under Tab K in  
23 your book you do have a copy of the application and information  
24 about the process. And this was just an update. And this  
25 requires no action, Mr. Chair. This is.....

26

27 CHAIRMAN EWAN: Just information.

28

29 MS. EAKON: .....just to remind Ralph and Fred that  
30 their terms are expiring. Okay.

31

32 MR. LOHSE: When do applications have to be in by?

33

34 MS. EAKON: Year deadline is February 28th. Okay.  
35 Agency reports, under Tab L you do have a summary of the Joint  
36 Federal Subsistence Board Chair's meeting that was held. And  
37 since none of the officers, Roy or Ralph or Fred could attend,  
38 we are very thankful that Ben Romig was able to attend that  
39 joint meeting. And I was going to ask him if he had anything  
40 to say about that. Ben.

41

42 MR. ROMIG: Well, it was a very educational meeting.  
43 And I think it showed me a lot about when all the Chairs got  
44 together that they had a lot of thought in common with their  
45 concerns. And, you know, it seemed like it was very  
46 productive. And the fact that the meeting on the second day  
47 was a closed meeting, a work session, it seemed like they  
48 accomplished quite a bit. And I appreciate going there. And  
49 that's about all I have.

50



00280

1 MS. EAKON: You do have a summary of the follow-up  
2 items. I think the most noteworthy one is that the Regional  
3 Council Chairs are going to try to put forth a request for  
4 Council member stipends. And the second page under Tab L gives  
5 you an update, a status report on that. And the upshot is  
6 going to be that the Chairs need to defer to the Secretary's  
7 decision making on this subject.

8  
9 The Federal Subsistence Board did direct the Staff to  
10 prepare a package containing the Regional Councils' request.  
11 They're going to send this to the Secretaries of Interior and  
12 Agriculture.

13  
14 Another noteworthy item that the Regional Council  
15 Chairs proposed was to restructure the Board so that it is  
16 composed of the Chairs of the Regional Councils. And they do  
17 want to know your thoughts on this at your meeting now. What  
18 do you think about the Regional Council Chairs' idea to  
19 restructure the Federal Subsistence Board to make it composed  
20 of the Chairs of the Regional Councils?

21  
22 CHAIRMAN EWAN: Any comments on that?

23  
24 MR. LOHSE: It may be a good idea but I don't think  
25 it'll go politically.

26  
27 MS. EAKON: I'm sorry. It may be a good idea but what?

28  
29 MR. LOHSE: I said it may be a good idea but I don't  
30 think it would fly politically.

31  
32 CHAIRMAN EWAN: I don't think it was this Council or  
33 myself that suggested this. So I don't have any comment.

34  
35 MS. EAKON: Okay.

36  
37 CHAIRMAN EWAN: Gary.

38  
39 MR. OSKOLKOFF: I also think it's a good idea. I'm not  
40 so concerned with political as much as I am with the legal,  
41 whether that responsibility -- the Secretary should be  
42 delegated to people outside of the requirement of the Fish and  
43 Wildlife Service, the various agencies. But I think there  
44 should be at least at the very minimum a component of that  
45 Board. I still feel like we're party to the old system whereas  
46 we had to come before people who are not our peers and ask them  
47 to access our own resources. And I think that seems to be  
48 continuing today in the form of the system that we've  
49 established. And I feel that we're probably capable of  
50 handling that ourselves to a large degree with some, you know,

00281

1 some oversight. And so that I'm in favor of the idea.

2

3 CHAIRMAN EWAN: I think I want to make a little comment  
4 here. I believe where this idea came about was that some of  
5 the Regional Councils are frustrated for a Subsistence Board to  
6 consist of people that could have come, you know, flown up here  
7 from other states and don't know Alaska and they'll be  
8 automatically on the Federal Subsistence Board because of their  
9 position. Not knowing rural Alaska, not really understanding,  
10 you know, the rural subsistence users' very well point of view  
11 and they make decisions a lot of times that are I guess against  
12 the Regional Councils' recommendations.

13

14 I mean that to me was the reason some of the Councils  
15 felt that you need somebody that understands rural subsistence  
16 that makes decisions on it, not people that just because their  
17 agency had some -- and could be very new to Alaska making the  
18 final decision on subsistence that affect some many lives out  
19 in rural Alaska. That was the feeling, I believe. Ralph.

20

21 MR. LOHSE: I think that's kind of the understanding at  
22 this end. At the same though what you're doing is we're  
23 dealing with people, if we take a look at who's on it, that  
24 we're dealing with people who understand the legal end of it  
25 that have to deal with the main agencies. And a lot of their  
26 determinations ends up being based on not so much even what the  
27 needs are or what's expressed by the Regional Councils, but  
28 what can be done legally.

29

30 CHAIRMAN EWAN: So it's a good -- you're thinking that  
31 it's a good check and balance process?

32

33 MR. LOHSE: I think it's a check and a balance. I  
34 think that your idea of having as a member of that Board a  
35 representative from one of the -- I mean a representative of  
36 the Regional Council Chairmen as a voting member of that Board  
37 would be a legitimate idea though. But I can't see replacing  
38 that Board which deal with the political and legal end of  
39 things with those of us who deal with what our needs and our  
40 wants are because simply you can't work in the system that way.

41

42 CHAIRMAN EWAN: You would be in support of maybe  
43 suggesting that we add to -- more members to that --  
44 recommending that we add more members to the Federal  
45 Subsistence Board to include the Regional Chairs or something  
46 like that?

47

48 MR. LOHSE: I would like -- I could see where you could  
49 have a representative from the Regional Chairs on that Board,  
50 which would give them one more voting member.

00282

1 CHAIRMAN EWAN: Yes, Fred.

2

3 MR. JOHN: I have the same concern with that. My  
4 concern is that from the Federal Board I went to, you know,  
5 they have alternate that they sent there and I really could see  
6 just by observing that they don't know anything about the  
7 subsistence lifestyle and making decisions. And that really  
8 concerns me.

9

10 CHAIRMAN EWAN: Gary.

11

12 MR. OSKOLKOFF: Mr. Chairman, I want to concur with  
13 Fred's comments and also say that not only are they not well  
14 versed in the culture of the subsistence lifestyle, if you  
15 will, but they also don't have to live and die by their  
16 decisions. They're not in an elected position, they're in an  
17 appointed position. So even from the standpoint as a secondary  
18 measure to be able to remove them or what not, it really  
19 doesn't exist for the people; they just simply have to live  
20 with the decision.

21

22 And the person who makes the decision, the member of  
23 the Federal Subsistence Board, in most cases, in fact in all  
24 cases as far as I know, does not have to live with the  
25 decisions, does not have to see it on the ground on a day to  
26 day basis. And, in fact, in most cases even the meetings are  
27 held here in Anchorage which I think can skew one's perspective  
28 a bit to meet in the one place that absolutely, positively is  
29 not going to get a rural or a c&t determination probably for a  
30 long time to come.

31

32 I'm always concerned when people are ruling without  
33 being ruled themselves I think is what I'm trying to say.

34

35 CHAIRMAN EWAN: All right. Any other comments?

36

37 MR. ROMIG: Yeah. I'd like to concur with Gary, Fred  
38 and Ralph. I think Ralph, you know, brought more of a  
39 realistic, you know, looking to at maybe get at least one more  
40 vote on the Board to begin with and then working with that.

41

42 CHAIRMAN EWAN: Okay, Gilbert.

43

44 MR. DEMENTI: Yeah. I agree with Gary and Fred. It  
45 kind of bothers me just like Fred, you know.

46

47 MR. LOHSE: Mr. Chair.

48

49 CHAIRMAN EWAN: Yes, Ralph.

50

1 MR. LOHSE: There's another issue besides just having  
2 one more vote. At least you'll be sure that one person on the  
3 Board understood the subsistence lifestyle and could explain it  
4 to the rest of them.

5  
6 CHAIRMAN EWAN: Okay. Hopefully. I don't disagree  
7 with that there any little bit. That could help the rural  
8 subsistence user, I'm in favor of. And I agree with you. If  
9 we can have four, that'd be great for me, but more realistic  
10 maybe we can get at least one person from the Regional Council  
11 on the Federal Subsistence Board. That would be a plus, I  
12 believe, even though I would prefer more members. Yes, Ralph.

13  
14 MR. LOHSE: Mr. Chair, would that be something that  
15 we'd like to add to our annual report as further issues  
16 that.....

17  
18 CHAIRMAN EWAN: I believe it could be.

19  
20 MS. EAKON: Yes, certainly.

21  
22 MR. OSKOLKOFF: Mr. Chair.

23  
24 CHAIRMAN EWAN: Yes, Gary.

25  
26 MR. OSKOLKOFF: Mr. Chairman, also I think what Ralph  
27 brought up in the notion that some of the members of the  
28 Subsistence Board might be Regional Council Chairs or in some  
29 point appointed from the Regional Councils, I wonder if we can  
30 get an opinion from at least Staff, if not legal staff, as to  
31 if that's a requirement or if it's possible if we could change  
32 those things, if that would fit within the legality of the  
33 present system.

34  
35 CHAIRMAN EWAN: Yes, Sandy. I'm just thinking ANILCA  
36 kind of specifies who the members would be, right?

37  
38 MR. RABINOWITCH: Jus to introduce myself. Although  
39 I've been up here a couple of times, Sandy Rabinowitch with the  
40 National Park Service and I'm on the Staff Committee to the  
41 Federal Board. A lawyer I'm not, an expert on your question  
42 I'm not, but I think the right answer is that it's currently  
43 the Secretary of the Interior with a concur -- now, I'm going  
44 to get shaky at the end of the day.

45  
46 I believe the law says that the Secretaries have the  
47 authority to appoint the Board. So in terms of making some  
48 changes in who's on the Board, I believe that focusing energy  
49 and comments towards the Secretaries is the most effective way  
50 because they have the power.

00284

1 I'd have to open a few books and read a few, you know,  
2 paragraphs, but I think I'm on target there. Get at least one  
3 nod behind me that that's sort of on target. So it's the  
4 Secretary of Interior and possibly the Secretary of Agriculture  
5 who have the authority to determine who is on the Federal  
6 Board. I'll look while you're talking here and see if I find  
7 any more.

8  
9 CHAIRMAN EWAN: Thank you, Sandy. Ida, do you have a  
10 comment on this? I believe Ida has a comment.

11  
12 MS. HILDEBRAND: Hi, I'm Ida Hildebrand with the BIA.  
13 And I just wanted to comment that I believe Sandy's  
14 interpretation that you are Secretarial appointees and so is  
15 the Board. However, my comment that I was wanting to make is  
16 to remind you that Mitch Demientieff is a subsistence user and  
17 he's the Chairman of the Board. And that Niles Cesar, the BIA  
18 representative or Board member is a Native subsistence user of  
19 sorts.

20  
21 And I'm not saying that to discourage you, but to  
22 encourage you to be very specific, that if you are making  
23 recommendations for a Regional Council member or a Regional  
24 Council Chair to be a voting member, that you specifically say  
25 that or state it with as much specificity as possible.

26  
27 CHAIRMAN EWAN: But I believe what Gary was getting at  
28 was can it be done without amending ANILCA or is that what you  
29 were asking?

30  
31 MR. OSKOLKOFF: Yes. That's precisely it. Given that  
32 if we ask the Secretaries of Interior and Agriculture and they  
33 concur, would they be able to do it, given the law that we have  
34 right now?

35  
36 CHAIRMAN EWAN: Yes. Sandy.

37  
38 MR. RABINOWITCH: Helga gave me the tip on where to  
39 look so I'd find it quickly. Let me just read a paragraph, if  
40 I may, out of the Federal Board regulation. It's subpart (b),  
41 section (10) which deal with the program structure of the  
42 Federal Board. And it says: the Secretary of the Interior and  
43 Secretary of Agriculture hereby establish and delegate  
44 responsibility for administering the subsistence taking and  
45 uses of fish and wildlife on public lands.... and then it goes  
46 on. So I believe I was correct where I said that the authority  
47 from the law is vested with the Secretaries. Okay.

48  
49 So I don't want to over-simplify it, but I believe the  
50 two Secretaries have the power to deal with the matter that you

00285

1 are talking about.

2

3 CHAIRMAN EWAN: Okay. Well, we maybe ought to do what  
4 Ida suggested, that we make a specific recommendation. Is that  
5 what you were.....

6

7 MS. HILDEBRAND: For the record I'm Ida Hildebrand, BIA  
8 Staff Committee member. My comment was just to say that I  
9 believe this period is for comments and recommendations from  
10 this Council regarding the Joint Chair Board Meeting who was  
11 seeking to replace the Board with the Regional Council Chairs.  
12 And the discussion, as I understood it, is more interested not  
13 so much in replacing the Board, as becoming members, voting  
14 members or having somebody from your Council become a voting  
15 member or have the right to vote.

16

17 And to address that, I'm saying if that is indeed your  
18 interest, that this Council wants to be a part of the voting or  
19 to have a voice in that Board, that you state your intent  
20 clearly to the Secretary, that you say that your recommendation  
21 is that your Chair be a member of that a member of your Council  
22 be a voting member of the Board.

23

24 CHAIRMAN EWAN: I'm thinking more about process, how it  
25 -- would stating that in the annual report be adequate, or a  
26 letter, or how?

27

28 MS. HILDEBRAND: My present preference is I would state  
29 it in every possible considerable means. I would put it in my  
30 annual report, I would put it in a letter to the Board, I would  
31 put it in a motion to the Board, I would send a letter to  
32 Regional Council Chairs that are going to meet again in April,  
33 I believe.

34

35 CHAIRMAN EWAN: Okay. Thank you. Any further comments  
36 on this particular issue? We are going to make it part of our  
37 annual report, one of the recommendations.

38

39 MR. LOHSE: Mr. Chair, maybe that's as far as we should  
40 go at this point in time. And then as the Board Chairs are  
41 getting together they can discuss this and come up with  
42 something specific that we could support as a Council.

43

44 CHAIRMAN EWAN: Everybody agrees on that. Okay. We'll  
45 move on then.

46

47 MS. EAKON: Okay. Mr. Chair, there is one item under  
48 the reports that requires an oral report. And the person is  
49 going to be Tony Booth from Division of Refuges to speak to the  
50 refuge trapping issue.

00286

1 MR. OSKOLKOFF: Mr. Chair.

2  
3 CHAIRMAN EWAN: Yes.

4  
5 MR. OSKOLKOFF: Could I ask to be excused? I've got to  
6 meet someone here in just a few minutes.

7  
8 CHAIRMAN EWAN: Okay.

9  
10 MR. OSKOLKOFF: If I don't leave now I'll be late.

11  
12 MR. BOOTH: Thank you, Mr. Chairman. My name is Tony  
13 Booth, I'm with the Division of Refuges here in Anchorage in  
14 the Regional office. And a couple of items here concerning  
15 trapping on Refuges I think might be of interest to you.

16  
17 There is a briefing statement we prepared. It should  
18 be in your briefing booklet. It pretty much covers it. And  
19 just to give you a very brief summary of what happened, in the  
20 last summer or earlier this last fall, Congress when they  
21 passed the Interior Appropriations Bill, it's typical or it's  
22 general practice that they include various items in there, in  
23 these Appropriations Bill. One of the items they did insert  
24 into that bill was a paragraph in there that requires or  
25 instructs the Fish and Wildlife Service to do a study to look  
26 at trapping on refuges. And I think this probably stems from  
27 some earlier efforts, anti-trapping efforts that just were  
28 oriented more toward just banning trapping all together.

29  
30 But as the compromise language came out, final  
31 language, and it is quoted in your briefing statement, it just  
32 told us to create a task force that would consist of outside  
33 interests to look at various aspects of trapping on refuges,  
34 and report back to Congress by March 1, 1997. And basically I  
35 think along about oh late October or early November, the  
36 Service began creating or tried to establish a national task  
37 force. And there was a lot of interest from various outside  
38 interests to get on this task force. And as we were trying to  
39 establish this it became obvious that there was a lot of  
40 interest.

41  
42 And our Solicitor's office finally got involved and  
43 said there are certain FACA requirements that we probably can't  
44 meet in the time frame Congress gave us. It's basically if we  
45 tried to do it through a task force, we probably would be  
46 subject to a lot of litigation. So some time in December we  
47 abandoned the concept of the task force and instead published a  
48 notice in the Federal Register that would allow just anybody to  
49 comment on trapping in the refuges and provide comments.

50

1 And so basically it was published in the Federal  
2 Register in I think December 17th, 1996. Comments to the Fish  
3 and Wildlife Service are due February 15th. And realizing this  
4 didn't leave a lot of time frame, we did draft a letter and I  
5 understand it has been signed by Mitch and forwarded on, asking  
6 the Fish and Wildlife Service to extend whatever period, you  
7 know, to allow the Regional Councils up here to comment on it  
8 since it's an issue of very -- probably more importance to  
9 Alaska than any other state.

10  
11 So I won't elaborate on that anymore. I'll just take  
12 any questions or entertain any questions you might have, since  
13 it's kind of late here and everybody's getting.....

14  
15 CHAIRMAN EWAN: Ralph.

16  
17 MR. LOHSE: Are you giving us this opportunity to  
18 comment on it today, or what, our comments need to be in by  
19 when?

20  
21 MR. BOOTH: They're supposed to be in by February 15th,  
22 however, I think some of the other Councils had drafted  
23 letters, prepared letters to send on behalf of the respective  
24 Regional Councils. That's probably, you know, an option you  
25 can take there.

26  
27 Like I said, I can't speak on behalf of the Fish and  
28 Wildlife Service, but Mitch has asked for an extension, you  
29 know, because that date's coming up pretty quick. So I assume  
30 your comments -- if you guys decide to prepare comments to the  
31 Fish and Wildlife Service, you know like ASAP, but if they  
32 don't make the February 15th deadline, I'm sure they'll be  
33 considered anyway.

34  
35 Oh, I can tell you, the Fish and Wildlife Service plans  
36 on just providing Congress the -- all the responses we get,  
37 unedited responses. For some time we -- there's been a survey  
38 -- a questionnaire type survey sent to all of our refuges, not  
39 only in Alaska but everywhere, providing various types of --  
40 the level of trapping on all the refuges and looking at the  
41 types of traps and everything else. And that's something we're  
42 doing -- preparing information to Congress. Now, they're just  
43 asking us to give them information.

44  
45 MR. LOHSE: Basically, I was wondering about that,  
46 whether the -- I think that where -- up by my country is also  
47 refuges, part of the National Park, but it's not called  
48 National Park, it's called -- what is the park called.....

49  
50 MR. BRELSFORD: Preserve.



00288

1 MR. LOHSE: Preserve. Is that classed as a refuge?  
2 No. You're talking about straight wildlife refuges that were  
3 formed with funds for wildlife refuges, is that -- yeah.  
4

5 So as a Council I feel like we should either instruct  
6 Helga to write a letter to the Fish and Wildlife in support of  
7 trapping on refuges in Alaska. We need to state how historic  
8 it is, how much it's a part of our subsistence lifestyle and  
9 how necessary it is to the economy of many subsistence users.  
10

11 CHAIRMAN EWAN: That's a recommendation?  
12

13 MR. LOHSE: That's a recommendation for a letter. I'd  
14 like the support from the rest of the Board on it, or a motion.  
15

16 CHAIRMAN EWAN: I don't have any objection to that. I  
17 would support that.  
18

19 MR. ROMIG: I would support it.  
20

21 MR. JOHN: I agree with that.  
22

23 MR. DEMENTI: I do.  
24

25 CHAIRMAN EWAN: Okay. I think we're unanimous on that  
26 recommendation.  
27

28 MR. BOOTH: One thing, I have copies of the actual  
29 Federal Register notice that we had intended to attach to this  
30 briefing statement. It contains a little bit more background  
31 of what we did. I have these here and I'll give one to each of  
32 you.  
33

34 Now, that we're done with that, there's one other  
35 refuge issue or trapping issue. It's not specific to refuges,  
36 but it does affect trapping up here. And last summer the  
37 service published a final rule dealing with import/export  
38 permits and inspection fees. It effects the shipment of furs  
39 or export of furs outside of Alaska. It certainly effects  
40 anybody into the import/export market for furs.  
41

42 And basically it encouraged the import/export license  
43 fees, the -- some of the other fees, cite each permit  
44 requirements. Just yesterday I worked with the law enforcement  
45 division. We came up -- we drafted out just a little sheet  
46 here that gives you an idea of what it cost to import or export  
47 your furs outside of Alaska. And I'll give these out to you  
48 too. And like I said, we just drafted those, we haven't had  
49 them -- analyzed them to make sure everything was right on it,  
50 it was something we put together just yesterday and it does --

00289

1 it's just going to affect the cost -- ups the cost of doing a  
2 little bit of business a little bit for anybody that's in the  
3 fur business. And I think it is something you might want to  
4 know about. There is a bulletin that Helga made copies of and  
5 available for you guys up there.

6  
7 CHAIRMAN EWAN: Ralph.

8  
9 MR. LOHSE: That is past the comment period on that?

10  
11 MR. BOOTH: That's a final. Rule was already published  
12 and, you know, a lot of us didn't even know until.....

13  
14 MR. LOHSE: Okay. So it doesn't do us any good to  
15 comment that we feel that they're excessive or anything on that  
16 order?

17  
18 MR. BOOTH: Yeah, except it's created all of a --  
19 recently it's become a bigger interest in Alaska, because when  
20 it was published last summer not many people were aware of it,  
21 but now we're into trapping season and people are ready to sell  
22 their furs and all of a sudden -- they're aware all of a sudden  
23 there's new regulations out there. And so it's going to be  
24 discussed, I think, in fact next week at the Indigenous  
25 Survival Council that's been held here in -- over here at Rural  
26 Cap. They've asked that it be put on their agenda. They want  
27 to talk about it and we've gotten a lot of concerns from some  
28 of the people here in Alaska over that.

29  
30 And like I said, that's not a refuge thing, it's more  
31 of a law enforcement division issue, but it's just that I'll  
32 provide you what information I have and try to answer any  
33 questions that you might have on that.

34  
35 CHAIRMAN EWAN: Yes. Ralph.

36  
37 MR. LOHSE: I have one further question on that. Does  
38 that apply to individuals as well as to people that hold a fur  
39 buyer's license? Does an individual that wishes to send their  
40 fur out of the State for sale at one of the other auctions, are  
41 they required to pay those same fees?

42  
43 MR. BOOTH: Yes. That's one of the big changes.  
44 Previously the only persons required to purchase a license --  
45 import/export license was anybody who had a threshold, I think,  
46 of \$25,000.00 worth of business before you had to buy a  
47 license. Now, anybody that exports fur to sell outside of  
48 Alaska has to buy it. There is no minimum now. Inspection  
49 fees has gone up a little bit on that too.

50

1 MR. LOHSE: Quite a little bit.

2

3 MR. BOOTH: And I have this here, you know, I can give  
4 that you to you. This is a draft. If there's anybody's got  
5 any ideas on how we can -- we're trying to make this clear, the  
6 information as simple and clear as we can for everybody. Any  
7 ideas on how we can, you know, make it better. This is in a  
8 draft phase and we're just -- we'll put together a fact sheet  
9 to go with it.

10

11 CHAIRMAN EWAN: Okay. Thank you. We'll go on down to  
12 the next item. National Park Service, is that what we're on?

13

14 MS. EAKON: I want to ask you, in your books under Tab  
15 M you do have a copy of the Memorandum of Agreement with the  
16 State of Alaska. And if you have any questions on that Sue  
17 Detwiler with our office is available to answer your questions.  
18 Do you want to look at it?

19

20 CHAIRMAN EWAN: Well, since you know about it, why  
21 don't you just summarize it for us and tell us what we're  
22 talking about here?

23

24 MS. EAKON: Can I ask Sue to highlight what this is  
25 about?

26

27 MS. DETWILER: My name is Sue Detwiler. I work for  
28 Fish and Wildlife Service. The State of Alaska has approached  
29 the Federal Subsistence Agencies asking to develop a Memorandum  
30 of Agreement between the Federal agencies with subsistence  
31 management responsibilities and the State. Memoranda of  
32 Agreement are a pretty common technique for Federal agencies  
33 and State agencies to use to formalize their working agreement.

34

35 The Federal agencies have had memoranda with the State  
36 since the 60's. The latest one was revised in 1982. In 1990,  
37 when the Federal government took over subsistence management,  
38 that changed things a little bit. At that time the Federal  
39 agencies and the State tried to develop a new Memoranda of  
40 Agreement that reflected those changes but they were unable to  
41 do that. With impending Federal Subsistence Fisheries  
42 Management the State has once again approached the agencies to  
43 see if we could come up with a mutually agreeable MOA.

44

45 The State has sent a letter containing some more  
46 detailed information on some of the concepts that they would  
47 like to have included in a Memorandum of Agreement. That  
48 letter should be included in your packet. The State  
49 Subsistence Liaison Team met with the Staff Committee to  
50 explore some of those concepts that are in that letter, and the

00291

1 Staff Committee forwarded that information on to the Board  
2 asking for direction from the Board on how the Federal Board  
3 wanted to pursue developing a MOA.

4  
5 The Board approved further discussions that could lead  
6 to an MOA. That happened in January. We haven't scheduled any  
7 further meetings. The Board did want to make sure that as the  
8 process continues, that we keep the Regional Councils informed  
9 of discussions that go on between agencies and the State and  
10 also to consult with the Councils on items that are of specific  
11 interest to those Councils.

12  
13 CHAIRMAN EWAN: Thank you. Any comments or questions?  
14 Helga, do you have somebody else here on this one?

15  
16 MS. EAKON: It might be appropriate to ask anyone in  
17 the agencies here if they have anything burning to report to  
18 you. Otherwise we can close this agenda item.

19  
20 CHAIRMAN EWAN: I see all the fire out here. National  
21 Park Service have something they want to report on?

22  
23 MR. GREENWOOD: Bruce Greenwood. I was asked by Jay  
24 Wells, Wrangell/St. Elias National Park just to update you on a  
25 couple of items. One is the last meeting in the fall in  
26 Glennallen he mentioned that the communities of Northway, Dot  
27 Lake and Tetlin being added as residents of the communities.  
28 Well, since then a decision has been made to add Tanacross. So  
29 all four communities now will be recommended for resident zone  
30 status. And the process is to update the Proposed Rule that  
31 was prepared last fall. And then we've been asked for an  
32 Environmental Assessment on it. So between now and probably  
33 next fall we'll prepare an Environmental Assessment.

34  
35 The intention is to allow the Regional Council an  
36 opportunity to review this and make a recommendation on it  
37 prior to it being forwarded on as a Proposed Rule or a Final  
38 Rule. So he wanted me to let you know that and also the fall  
39 date is not firm. It may not happen until next winter. But  
40 we're shooting for the fall with that.

41  
42 The next thing is that a year ago in Cordova I  
43 presented to you a hunting plan for migratory birds. It was a  
44 draft at that time. And this would be to allow people to  
45 harvest migratory birds in the National Park. Because of  
46 various legal implications it's not possible for the people to  
47 do that now. So what the Park has done and the SRC has done is  
48 they've completed a hunting plan and it's been forwarded to the  
49 Secretary of the Interior for a review. This will at a minimum  
50 give us a legal opinion on how we can go about doing it, or if

00292

1 we can go about doing it.

2

3 Thirdly, there's an SRC meeting that will be held in  
4 Glennallen, February 25th and 26th, where some items on the  
5 agenda are primarily they'd like to at this meeting go over the  
6 Regional Councils, at least for the Interior and Southcentral,  
7 their recommendations that they made on the proposals and  
8 therefore they can make another statement regarding that to  
9 give to the Subsistence Board. Thank you.

10

11 CHAIRMAN EWAN: Thank you, Bruce. Any other agency  
12 that want to suggest something?

13

14 MS. HILDEBRAND: I just wanted to say the concern, I  
15 realize you're tired and I see how much material you've had to  
16 consider and how complex the material has been, however, by  
17 your silence on the report on the Fisheries Update, you  
18 permitted them to proceed with Proposals that restrict  
19 subsistence used in fisheries by adopting the State regulations  
20 as they are from 1989 and beginning at that point, which  
21 restricts your avenue for changing those restrictions, which  
22 limits subsistence take of fish without having previously  
23 limited sports fishing, commercial fishing and every other use  
24 in I think Section C. Subsection C or D. And that's just for  
25 your information. And if you want to ask me something before I  
26 go back to my little corner.

27

28 CHAIRMAN EWAN: Okay. Thank you. You know it wasn't  
29 because we weren't concerned about, you know, the proposed  
30 regulation on fishing, I don't think that we were silent, it's  
31 just we didn't have time to see. I don't think everybody had  
32 had time to read those proposed regulations that well, you  
33 know. We're just getting too much -- I know for myself from my  
34 standpoint I'm busy with my work here and I have piles and  
35 piles of stuff to read.

36 It's very difficult for me to keep up with all the  
37 material that's sent to me. I don't know whether the other  
38 Council members have that same problem, but it's just you know  
39 getting up to speed on what's going on is the problem. And I  
40 would have suggested it was possible maybe to have public  
41 hearings out here in the various areas, in Southcentral area  
42 and throughout the State if possible. Yes, did you have.....

43

44 MS. DETWILER: Sue Detwiler again. I would just like  
45 to clarify for the record that there will be another round of  
46 public comment --there will be another comment period after the  
47 Proposed Rule is published. So the next step will be  
48 publishing of the Proposed Rule, at which time there will be  
49 more Council meetings, as well as public meetings. And then if  
50 the moratorium is lifted and we do end up implementing the

00293

1 rule, then the Final Rule will be published. So there will be  
2 another opportunity.

3

4 CHAIRMAN EWAN: We'll have adequate time to comment  
5 then. Thank you. Any other agency that wants to comment or  
6 report to us on their agency? Good. There are no other  
7 agencies.

8

9 MS. EAKON: One more item before you adjourn, Mr.  
10 Chairman. That would be to establish the date for your next  
11 meeting. At your Glennallen meeting you had designated  
12 Cantwell as your next meeting location.

13

14 In your manila folder at the very back you have a  
15 calendar for the fall meetings.

16

17 CHAIRMAN EWAN: Our next meeting is fall?

18

19 MS. EAKON: Um-hum. The window for fall meetings begins  
20 Monday, September 8, and closed Friday, October 24. You will  
21 see that the North Slope has selected September 16 and 17, Y-K  
22 Delta October 1 and 2, and we just learned today that Eastern  
23 Interior Regional Council is going to meet some time between  
24 October 14 and October 17. So we don't want to conflict with  
25 Eastern Interior because inasmuch as we have common issues to  
26 work with and also for the courtesy of the Park Service people  
27 who are running themselves ragged trying to address both  
28 meetings. So if you would select meeting dates, that will help  
29 the Southeast, the Kodiak Aleutians and the rest of the  
30 Regional Councils when it comes a time to select our meeting  
31 dates.

32

33 CHAIRMAN EWAN: Okay. Any suggestions for meeting  
34 dates of our next Council meeting?

35

36 MR. ROMIG: I'd like to see it some time in October at  
37 the earliest.

38

39 CHAIRMAN EWAN: I think that's what she's saying.

40

41 MR. ROMIG: Well, there are some other ones here.

42

43 CHAIRMAN EWAN: Oh, you have a little different one  
44 than I have. Go ahead, Ralph.

45

46 MR. LOHSE: Helga, would it -- you said that  
47 Southeastern was 14th, 15th, somewhere between the 14th and the  
48 17th. So that's the second to the last week in October. Would  
49 we goof up the members of the Park Service if we had it the  
50 week before? Is that too much to -- is that too close

00294

1 together?

2

3 MS. EAKON: That'd be fine.

4

5 MR. LOHSE: Like the 6th, 7th and 8th, or something  
6 like that?

7

8 MR. ROMIG: I'd like to talk about the meeting place  
9 too at Cantwell. Is that where we're going?

10

11 CHAIRMAN EWAN: Yeah. I can comment on what Ben just  
12 suggested for our meeting place, Cantwell. I do think we have  
13 a problem of accommodating the people that would participate in  
14 hotels. I think some of the places close by a certain time.  
15 Bruce or anybody know how late the hotels stay open over that  
16 way?

17

18 MR. BRELSFORD: I have no idea.

19

20 CHAIRMAN EWAN: Hollis left too? Oh, here is Gilbert  
21 here.

22

23 MR. DEMENTI: They close towards maybe the 19th of  
24 September.

25

26 CHAIRMAN EWAN: So if we were thinking about October  
27 7th, they would be pretty hard out there. I don't know, you'd  
28 have to take a tent along or something.

29

30 MS. EAKON: Well, in which case we should recommend  
31 another locale, if you want to meet during that time period  
32 because as you know lodging is a very definite significant  
33 concern, considering all of the agencies having people who like  
34 to comment at your meetings.

35

36 MR. JOHN: That date would be okay with me.

37

38 CHAIRMAN EWAN: That's how I feel. Ralph, were you  
39 suggesting October 7th, somewhere around.....

40

41 MR. LOHSE: Ben was saying that we should meet in  
42 October and I was just clarifying with her with a meeting on  
43 October 1st and 2nd, and a meeting the 14th through 17th, if we  
44 want one in October, that leaves either the second week in  
45 October or the last week in October. And so if the second week  
46 in October doesn't interfere with the Park Service, if we  
47 wanted it in October that would be the week we'd have to pick,  
48 unless we wanted the last week in October. It's winter by that  
49 time.

50

00295

1 MS. EAKON: Bruce just suggested that another  
2 consideration would be to have the meeting at McKinley Village.

3  
4 CHAIRMAN EWAN: Oh, they can open up?

5  
6 MR. GREENWOOD: I believe there's accommodations in  
7 McKinley Village there at that time of the year.

8  
9 CHAIRMAN EWAN: That's about what, 30 miles from  
10 Cantwell or so?

11  
12 MR. DEMENTI: It's 20 miles.

13  
14 CHAIRMAN EWAN: 20 miles.

15  
16 MR. DEMENTI: But I don't know about that hotel.  
17 That's part of ARA and I think they close up the same time.  
18 They close that up too.

19  
20  
21 CHAIRMAN EWAN: Yeah, I think one of the considerations  
22 how we're convening to meet, that we're going to have  
23 inconvenience of members and Staff and everybody else by  
24 meeting out in kind of like -- I kind of go along with Helga.  
25 I mean we ought to consider another location. Gilbert, do your  
26 people feel strongly about having a meeting out in your area?

27  
28 MR. DEMENTI: Well, the Village Council kind of want it  
29 there, but they understand there's no accommodations. And from  
30 what I gathered from Staff here, money-wise it's hard from them  
31 to go way up to Cantwell. Accommodations, how many rooms we're  
32 talking, do you know, approximately?

33  
34 CHAIRMAN EWAN: Can we buy a hotel? Buy two?

35  
36 MS. EAKON: You don't have a hotel there?

37  
38 MR. DEMENTI: They've got a -- there's a small motel  
39 there, probably about maybe 12 rooms. And there's a back woods  
40 lodge there probably with another six or eight rooms, maybe.  
41 And one restaurant.

42  
43 CHAIRMAN EWAN: Okay. Let's get settled on the date.  
44 Well, place next. One suggestion I heard was October 7th, 8th,  
45 in that area.

46  
47 MR. DEMENTI: If I'm on that's a good week for me. If  
48 I'm still on.

49  
50 CHAIRMAN EWAN: Anybody disagree with that time? How



00296

1 many days do we need then to block off, about two?

2

3 MS. EAKON: Two days is very sufficient for the fall  
4 meeting.

5

6 CHAIRMAN EWAN: Okay. October 7th and 8th.

7

8 MS. EAKON: Okay.

9

10 CHAIRMAN EWAN: Place now. Ben suggested Anchorage  
11 again.

12

13 MS. EAKON: Anchorage again?

14

15 MR. ROMIG: Well, you know, we went to Cordova and we  
16 went to Glennallen and I've been up there. You can bring some  
17 pictures. But I'd like to see it kind of centrally located and  
18 easy on people in the fall because it's kind of that time of  
19 year that, you know, getting into winter and making a big trip.

20

21 MR. LOHSE: Anchorage is pretty convenient for  
22 everybody.

23

24 CHAIRMAN EWAN: Any objection to having the next  
25 meeting in Anchorage? Okay. Hearing no objection, the next  
26 meeting will be in Anchorage. Unless we have other  
27 suggestions.

28

29 MS. DETWILER: My suggestion would have been to go with  
30 your first choice of Cantwell. After this meeting we can see  
31 if we can make arrangements to stay there. If not, try  
32 McKinley Village, and if not then Anchorage or some other place  
33 where we're sure we're going to get lodging. So my suggestion  
34 would be to make a priority list of three.

35

36 CHAIRMAN EWAN: Anybody go along with that suggestion?

37

38 MR. JOHN: I'm for it.

39

40 CHAIRMAN EWAN: Okay. I guess we'll go along with  
41 that. If accommodations can be made up there. Like I say, it  
42 should be adequate because we don't want to inconvenience  
43 anybody.

44

45 MS. EAKON: Mr. Chair, this is Terry Wild, the person  
46 who does all of your travel.

47

48 MR. WILD: This is Terry Wild. And I'd be glad to  
49 check into Cantwell over the next couple of weeks and get back  
50 with you and let you know whether they have arrangements

00297

1 available there or not.

2

3 CHAIRMAN EWAN: Okay. We'll go along with that  
4 recommendation then, if I hear no objection to that. Okay.  
5 That's the majority of -- is that it? Well, I'll entertain a  
6 motion to adjourn.

7

8 Well, first, before that I want to thank everyone again  
9 for attending the meeting. As I say, Staff members of the  
10 various agencies that sat through here and tried to help us, as  
11 they always have been doing. And we're thankful for that.  
12 Thank the Council members that hung in here and finished the  
13 agenda.

14

15 Any other comments by the Council members before we  
16 adjourn?

17

18 MR. JOHN: I'm still trying to make up my mind if we're  
19 going to put my name in for next time. I'll find out before  
20 the date is up. But if I don't, I'd really like to say I  
21 appreciate the Staff and everybody for helping us out. And I  
22 really like being on the Board here and I really enjoyed it.  
23 Thank you.

24

25 MR. LOHSE: I'd like to echo what Fred just said. I'm  
26 in the same position he is and I figure I've got to the end of  
27 the month to decide. If I decide against it, it's going to be  
28 pretty hard to give this up. It's been a nice bunch of people  
29 to work with and it's been access to a lot of issues that are  
30 very dear to my heart. And I've really enjoyed everybody on  
31 the Council and everybody that we've worked with here.

32

33 CHAIRMAN EWAN: Any other comments? If not, I'll  
34 entertain a motion to adjourn.

35

36 MR. ROMIG: So moved.

37

38 CHAIRMAN EWAN: There's a motion to adjourn. Second --  
39 I guess we don't need a second. Meeting's adjourned.

40

41 (Off record)

42

43 (MEETING ADJOURNED)

44

45

\* \* \* \* \*

## C E R T I F I C A T E

1  
2  
3 UNITED STATES OF AMERICA )  
4 ) ss.  
5 STATE OF ALASKA )  
6

7 I, Joseph P. Kolasinski, Notary Public in and for the  
8 State of Alaska and Reporter and owner of Computer Matrix, do  
9 hereby certify:  
10

11 THAT the foregoing pages numbered 137 through 298  
12 contain a full, true and correct Transcript of the Southcentral  
13 Regional Subsistence Advisory Council, Volume II, meeting taken  
14 electronically by David W. Haynes and myself on the 7th day of  
15 February, 1997, beginning at the hour of 8:00 o'clock a.m. at  
16 the Regal Alaskan Hotel, Anchorage, Alaska;  
17

18 THAT the transcript is a true and correct transcript  
19 requested to be transcribed and thereafter transcribed by Mary  
20 E. Miller and myself to the best of our knowledge and ability;  
21

22 THAT I am not an employee, attorney, or party  
23 interested in any way in this action.  
24

25 DATED at Anchorage, Alaska, this 16th day of February,  
26 1997.  
27  
28  
29  
30

31 \_\_\_\_\_  
32 JOSEPH P. KOLASINSKI  
33 Notary Public in and for Alaska  
My Commission Expires: 4/17/00